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The Soft Side of Dark Power

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The Soft Side of Dark Power

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The Soft Side of Dark Power

A Study in Soft Power, National Security and the Political-Criminal Nexus
with a special focus on the post-Soviet Political-Criminal Nexus, the Russian Black Sea Fleet
and Separatism in the Autonomous Republic of Crimea

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This book is dedicated to our unsung heroes.

So it goes.

K. Vonneghut

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INTRODUCTION

War. It is the darkest, most violent and archaic instrument used by mankind to gain power over humans and their territory. Generally, it conjures images of bullets, tanks, rockets, missiles, smoke and death. However, war may not be limited to hard military operations. In fact, a less obvious, softer, form of warfare appears to exist in which states use the power of attraction to strategically target hearts and minds in order to gain geopolitical power.

The term psychological warfare implies the use of soft power, to manipulate perceptions held within a population. The United States Department of Defense defines it as “planned operations to convey selected information and indicators to foreign audiences to influence their emotions, motives, objective reasoning, and ultimately the behavior of foreign governments, organizations, groups, and individuals. The purpose of psychological operations is to induce or reinforce foreign attitudes and behavior favorable to the originator’s objectives.”¹ Thus, the objectives of powerful states play a determining role in who will be persuaded how to think, what to do and why. Markedly, the term psychological warfare suggests it is not limited to peaceful means or ends.

In recent years the use of soft power - the power of attraction - has been propagated as something positive in international relations. Yet, one must not overlook the fact that it belongs to the realm of power politics and power politics belong to the field of international security.² If states were moral and ethical actors, their use of soft power would aim at influencing human behavior towards trust, the common good, and the realization of peace. However, when we extrapolate Lord Ashton’s famous conclusion that “great men are almost always bad men” because “power corrupts and absolute power corrupts absolutely” to the realm of international relations, it implies that powerful states, the great actors in international relations, are also likely to be corrupt and not restrict themselves to legitimate means or ends while competing for power. Thus, in exercising soft power states may also target self-perceptions and identity ideas in such a way as to make their citizens support or even participate in wars rather than coexist in peace.

The idea that an informal element of state power exists which influences perceptions to promote insurgency and war may seem implausible to some. It presupposes that soft power can be used to deteriorate national security to the extent

1 U.S. Joint Forces Command (2009). Commander’s Handbook for Strategic Communication and Communication Strategy. Joint Warfighting Center posted 27 October. Available at: <http://www.carlisle.army.mil/DIME/documents/Strategic%20Communication%20Handbook%20JFC%2009.pdf>

2 In this study the terms “soft power” and “the power of attraction” are used interchangeably.

of causing conflict. Moreover, since the overt promotion of conflict, separatism, and war falls beyond the realms of legitimacy, such foreign policies are likely to be covert and rely on informal structures for logistics and financing. Markedly, the relationship between the state-makers and organized criminals may be more intimate than generally accepted.

History shows that sovereigns have relied on fear and their political-criminal relations to gain geopolitical power. The Spanish and Portuguese conquistadors used their "God-given right" endowed upon them by Papal decree to help wipe out entire, highly cultured, "Godless" civilizations whilst looting treasures and gold for their sovereigns. The Lettres du Marque converted wild, murderous and pillaging pirates on the high seas into sovereign-serving privateers. These letters serve as prime historical examples of how sovereigns converted belligerent, organized criminals into instruments of foreign policy. History is known to repeat itself. Disturbingly little reason exists to suggest the use of fear and political-criminal relations in international affairs belong to bygone days and history books.

The human condition is fragile and the tendency to be weary and distrustful of one's self and others continues to be promoted within our societies. In fact, the current human civilization has been molded by the manipulation of fear. Today, commercial marketing is a prime example of how fears of not being handsome enough, healthy enough, smart enough, safe enough, good enough, or rich enough are used to drive the economy. Not unlike corporations, states may use fear to realize their own geopolitical objectives. It is with reason that in 2010 the annual base-budget of the USA Defense was over \$700 billion, and this figure does not include emergency or supplemental funding! It is with reason Machiavelli remains revered in universities all over the world for his iron-first advisory manuscript based on an approach to humanity that propagates rule guided by greed for power, material wealth, and the projection of fear over love.

Hearts and minds are targeted by soft power. Remarkably, despite its recent prevalence in international relations jargon, very little is known about how soft power is used, let alone the components of national security it affects. Moreover, whether or not states use political-criminal relations to fund and operationalise warfare remains unclear. It is therefore necessary to determine whether soft power is linked to national security in such as way as to promote conflict or insurgency, and, to establish whether a political-criminal nexus exists as an instrument of foreign policy which impacts the way states perceive and treat one another. It could be that the citizens of this world are informally being seduced into distrust, fear and justifying

war. It is therefore interesting to consider these matters within the international security dynamics of the first decade of the 21st Century.

The geopolitical interests and dynamics in the Black Sea Region make it a fine candidate for such an analysis. It is a region where, because of the collapse of the Soviet Union, the first decade of the 21st Century saw the political interests of great powers clash to such an extent that one of them appears to have used smart power³ to instrumentalise separatist conflict as a geopolitical tool.

The fall of the Soviet Union triggered a competition for power between the Russian Federation and the Western Allies i.e. US, NATO, EU. The game is rather simple: the great powers want more power. The West wanted new, reliable partners in the region: states willing and able to cooperate effectively and integrate into its economic and security structures. To this end, the transatlantic community forged new relationships by introducing Western democracy, the market system and collective security into hitherto uncharted Black Sea lands and waters. Contrarily, the interests of the Russian Federation were in regaining power over "its" former Soviet republics. To do so, it needed to prevent the post-Soviet states in the Black Sea Region from having the national strategy, will and authority to effectively transform, cooperate and integrate with occidental institutions. The rationale is clear: Russia will lose power over the Black Sea Region only if these states successfully move away from the Russian-centered post-Soviet regional security complex.

Russia's foreign policy has been identified as exporting its model of governance characterized by a symbiosis of neo-KGB structures, organized crime, state bureaucracy, and government connected big business. And, that the Russian Federation uses its secret services, NGOs and media to promote its interests and objectives.⁴ The use of these institutions is indicative of a soft power component of Russia's foreign policy. Moreover, the fact that the Russian Federation is often referred to as a state whose "system relies on a secret army of informants and provocateurs, on coordination between organized crime and the police, on controlled opposition and double agents, on false fronts and Potemkin villages" suggests organized political-criminal elements may also be at play.⁵

3 The term "smart power" refers to a policy which combined the use of hard military force combined with soft power operations. Since being developed by Joseph Nye, the term has been frequently used particularly by the Obama Administration.

4 (Socor 2005; Jackson 2006).

5 Nyquist J. R., (2007). Putin's Munich Speech, Geopolitical Global Analysis. Available at <<http://www.financialsensearchive.com/stormwatch/geo/pastanalysis/2007/0216.html>>

see also Shelly L. (1999). Organized Crime in the Former Soviet Union: The Distinctiveness of Georgia. Transnational Crime and Corruption Center. Available at: <http://www.traccc.cdn.ge/publications/index_subject.html#crime> Also, Jackson, B. P. (2006). The "Soft War" For Europe's East, in Policy Review June & July: 3-14.

Let us be reminded that the Soviet Union was an amalgamation of 15 republics with the Russian one at its center. When the Soviet Union collapsed, the Russian Federation became its formal successor. It inherited the Kremlin-centered Soviet machine. The rest inherited the remnants of those hierarchical political and security networks. Thus, the Russian Federation's policy toward separatism and self-determination in the post-Soviet space calls for attention in this regard. It is also important to recall that the promotion of separatism inside third states violates the principle of non-intervention. It is prohibited by national and international laws. And, by their very nature, separatists and insurgent groups depend on informal networks for funding and organization.⁶

Moscow defends the federation's territorial integrity with a strict no-tolerance policy to self-determination within its federal subjects (i.e. Chechnya, Dagestan, Ingushetia, Kabardino-Balkaria, Karachey-Cherkessia and North Ossetia-Alania). Yet, it openly supports the separatists in the post-Soviet states in the Black Sea Region (Nagorno-Karabakh in Azerbaijan/Armenia; Abkhazia and South Ossetia in Georgia; Transdniestria in Moldova and The Autonomous Republic of Crimea in Ukraine).⁷ Markedly, separatism in these territories wreaks havoc in the Black Sea Region. It deters democratization and, ultimately, the increased engagement of Western powers, particularly NATO.⁸

After the coloured revolutions in Georgia and Ukraine, the two states intensified their foreign policies of Euro-Atlantic integration. At the same time, the threat of pro-Russian separatism in their territories grew.⁹ In Ukraine, the separatist sentiment gradually intensified particularly in its Autonomous Republic of Crimea, where the Russian Black Sea Fleet (RBSF) is stationed. Then, in 2006, for the first time in the history of Ukrainian-NATO relations, pro-Russian NGOs and separatists in Crimea thwarted the annual US-led, NATO "Sea Breeze" exercise. Less than two years later, at the 2008 NATO Summit in Budapest, Ukraine and Georgia were assured eventual NATO membership. This notwithstanding, their ascension to the Membership Action Plan (MAP) was blocked by France and Germany. Russian-backed separatism and high diplomacy appear to have played a major role in this regard.

6 Kemp, W. A. 2004. The Business of Ethnic Conflict. Security Dialogue vol. 35, no. 1, March, 43-59.

7 This support is most vividly exemplified by the stationing of Russian Military forces there and by the Friendship Treaties signed between Moscow and the break away territories.

8 For instance, NATO has never accepted a state with a foreign military presence or conflict within its sovereign territory. Such a move would be too risky for the collective security organization which is, at least legalistically, based on the principle of solidarity encapsulated by Article 5 of the NATO Treaty.

9 (Georgia: 2003, Ukraine: 2004-2005)

After the ascension to MAP was blocked, Vladimir Putin, the then President of the Russian Federation, addressed the Euro-Atlantic Community. He formalized Russia's negative stance toward NATO enlargement and drew a direct correlation between Euro-Atlantic integration, separatism within the post-Soviet states and the recognition of Kosovo. He warned NATO members to be careful: "We have been very responsible, very weighted, and call on you to be careful as well".¹⁰ Then, Vladimir Putin cast doubt on the legitimacy of the 1954 Soviet transfer of Crimea to Ukraine and asserted: "We have been calm and responsible about these problems. We are not trying to provoke anything, we have been acting very carefully, but we ask our partners to act reasonably as well".¹¹ Subsequently the Russian president incorrectly stated that the entire southern part of Ukraine is inhabited completely by Russians and continued: "If we introduce into it to NATO problems ...it may put the state on the verge of its existence."¹²

Another set of dynamics was also linked to the reason Georgia and Ukraine had been blocked from the MAP: the Western Allies' need for Russian support in their war in Afghanistan. Vladimir Putin clearly stated: "If the discussion on your expansion issues developed differently yesterday, today's transit agreement would not likely be signed. But, considering that, nevertheless, as we understand, our concerns were heard, somehow at last, we made the decision for ourselves to not stop the collaboration on Afghanistan, but, to put it honestly, there was such a desire..."¹³

Not all of Putin's warnings were heeded; the NATO allies continued to recognize Kosovo as an independent state. And, a few months later, the Russian Federation entered a war with Georgia. Remarkably, the Russian Federation launched successful naval operations against Georgia, Ukraine's democratizing ally, from Ukraine's Autonomous Republic of Crimea. The operations destroyed virtually all of Georgia's naval capacity. These facts call for attention and exemplify one set of reasons Ukraine's pro-Western Orange Coalition maintained its policy not to extend the treaty governing the stationing of Russia's Black Sea Fleet in Ukraine. Markedly, the Russian Black Sea Fleet also appears to have played a role in supporting pro-Russian separatism in Crimea and countering Ukraine's democratic processes and Euro-Atlantic integration.

10 Putin V. (2008). Speech at NATO Summit Bucharest, April. Available at: <<http://www.unian.net/eng/news/news-247251.html>>

11 Ibid.

12 Ibid.

13 Ibid.

After the war, Russia succeeded in taking effective control of Georgia's break-away territory South Ossetia. On 26 August 2008, the new Russian President, Dmitri Medvedev, signed decrees recognizing Georgia's breakaway territories, South Ossetia and Abkhazia, as independent, sovereign states. Pro-Russian forces in Crimea moved, illegitimately, to do the same. Some of them also called upon the Russian Federation to "liberate them" by annexing Crimea as well.¹⁴

The timing of the Russo-Georgian war was also important to Ukraine. It preceded the country's Presidential elections where the pro-Russian candidate Viktor Yanukovich, whose severe election falsifications in 2004 led to the Orange Revolution was, once again, a main candidate. Curiously, within a few short months of his inauguration, in 2010, an extremely controversial treaty prolonging the stationing of the Russian Black Sea Fleet in Crimea to the year 2042 was signed. It was passed by the Verkhovna Rada, Ukraine's Parliament, amidst great controversy and violent uproar. Then, virtually all of the separatist sentiment in Crimea silenced.

It therefore appears that a significant pro-Russian contingent in Crimea supported Russia's foreign policy toward Ukraine. Yet, the Western press reported that experts believed the separatist sentiment in Crimea was forged similarly to Abkhazia, South Ossetia (Georgia), Transdniestria (Moldova), and even Nagorno-Karabakh (Azerbaijan/Armenia).¹⁵ Did Russia indeed provoke separatism in Crimea to fend off Ukraine's democratic development and Euro-Atlantic integration? Could it be that Russia targeted the hearts and minds of the Crimean population to make them want to break the peninsula away from Ukraine? Did a post-Soviet network combine the presence of the Russian Black Sea Fleet with soft power operations that shaped the interests and perceptions in Crimea to make separatist conflict appear justified? And, if so, which elements of Ukraine's national security had to be strategically targeted to forge separatism as an unlit match in front of a gas tank, to be lit, or not to be lit, in accordance with developments in global affairs? Would the activities of such an international separatist network be legitimate, or would they fall outside the realm of legitimacy and rely on a covert, political-criminal nexus for logistical and financial support?

These questions arise out of a lack of knowledge regarding the connection between soft power, national security, separatism and the role of the political-criminal nexus in international relations. It is hoped that this lack of knowledge will be resolved here by answering the following question; the centerpiece of this study:

14 Danilova M. (2008). After Georgia War, eyes turn to Crimea. Chron. Available at: <<http://www.chron.com/dispatch/story.mpl/world/6039350.html>>

15 Krushelnysky A. (2008 b). Crimean Peninsula Could Be The Next South Ossetia, in The Independent, posted 28 August. Available at: <<http://www.independent.co.uk/news/world/europe/crimean-peninsula-could-be-the-next-south-ossetia-910769.html>>

What are the linkages between national security, soft power and the political-criminal nexus, and, to what extent are they part of the Russian Federation's foreign policy towards Ukraine, particularly, its Autonomous Republic of Crimea?

To answer the main research question, a number of key understandings must first be developed. To this end, the following four sub-questions have been formulated and shall also be answered:

1) What is the relationship between soft power, national security, and separatism?

2) Are political-criminal relations used by states as an instrument of foreign policy and does their use as such affect the way states perceive each other in international relations; if so, what is the profile of the post-Soviet political-criminal nexus?

3) What is Russia's soft power policy toward the Autonomous Republic of Crimea via the Russian Black Sea Fleet; and what is the extent to which Russia utilizes a political-criminal nexus in this particular case?

Just like a surgeon requires precision instruments to perform delicate surgery, the international relations analyst requires theoretical instruments to answer her questions.¹⁶ Yet, unlike medical science, the science of international relations is an integrative one and "cannot be studied and taken seriously if not conceived within the broader framework of the social sciences in general".¹⁷ Thus, depending on the research interests, the international relations scholar must rely on the findings of other social sciences where they pertain to transnational, international and foreign policy, or, domestic, socio- and economic-political phenomena.¹⁸

When we consider the research question at hand, it becomes clear that this study depends on the findings of four disciplines, namely, International Relations, Security Studies, Criminology and International Law. It is divided into three parts:

¹⁶ Volten, P.M.E., Professor Emeritus, Director of the Center of European Security Studies, personal communications, Groningen.

¹⁷ Schulte-Bockholt A. (2006). *The Politics of Organized Crime and the Organized Crime of Politics: Critical Perspectives on Crime and Inequality*. Oxford: Lexington Books, p 19.

¹⁸ Ibid.

The objective of Part One is to determine how soft power interlinks with national security and to identify which components would need to be targeted to promote separatism. To this end, it is first necessary to identify the elements of state power, particularly intangible power, and how they relate to one another. Already in 1977, former top CIA analyst, Ray Cline, identified a multilayered approach to state power as “the ability of the government of one state to cause the government of another state to do something the latter otherwise would not choose to do - whether by persuasion, coercion, or outright military force”.¹⁹ He developed a calculus for measuring state power potential which will be used here. It identifies the tangible and intangible components of state power and how they interrelate.

Second, an interesting commonality appears to exist between Cline's approach to power and Buzan's *et al.* sectoral approach to national security. The sectoral approach extends the concept of security to non-traditional security sectors. A complimentary relationship appears to exist between the intangible components of state power and the political and societal security sectors. Thus, the Buzan *et al.* approach to security analysis is presented and compared with Cline's perceived power. Nye's notion of soft power is used to clarify the rather elusive notion of intangible state power.

Cline, Buzan et al, and Nye all have separate, but complimentary approaches to security analysis. Their approaches to state power and national security are used to identify the components of national security which would need to be targeted by soft power to promote separatism. In so doing it is expected that a framework for the analysis of soft power security will be created.

The objective of Part Two is to establish the nature of the political-criminal nexus, whether it is used as a foreign policy instrument, and if it affects the way states perceive one another in international relations. Although increasing attention is paid to transnational organized crime in international relations, analyses remain rather restricted to the apolitical character of organized crime. Here transnational organized crime is considered from a political context.

First, it is necessary to know what transnational organized crime is and whether the international legal community has linked it to foreign policies. The phenomenon is considered from the perspective of the international community. Then, the highest level treaty which provides the legal threshold which must be

19 Cline R. S. (1977). *World Power Assessment 1977: a calculus of strategic drift*. Boulder: Westview Press. pg. 7.

crossed for unlawful acts to constitute transnational organized crime, the 2000 UN Palermo Treaty against Transnational Organized Crime is examined. Particular attention is paid to those articles and annotations which indicate that states recognize the existence and use of transnational political-criminal relationships.

Second, it has been noted that the current view of the state's monopoly of the use of force may be too limited or one dimensional.²⁰ To determine if political-criminal relations belong to the instruments of foreign policy, it is necessary to establish if the monopoly over the use of force includes transnational organized crime. It is also necessary to determine the historical linkages existing between the state and organized crime. To this end, Max Weber's theory on the state's monopoly over the use of force is revisited. Max Horkheimer's Racket Theory, Charles Tilly's and William Chambliss' research into the history of state-building are among the materials used to establish the philosophical and historical relationship between the state and organized crime.

Third, because the main objective of this part is to determine if a political-criminal nexus is used by states to gain power abroad, political-criminal relations need to be dynamic. They must affect territorial spheres of influence in international relations. The stage evolutionary model of organized crime is used to ascertain if formal and informal structures affect others' spheres of influence, particularly territory. To date, the model has only been applied on a state-level of analysis. Here, it is extrapolated it from the national or sub-system level to the realm of international relations.

Fourth, to determine if the political-criminal nexus affects the way states perceive one another (i.e. their identities) it is necessary to ascertain whether it constitutes a social structure within the state. Social structures influence state identity and the ways states perceive one another. Thus, in establishing it as such, knowledge will be gained into state identities, perceptions and, in turn, behavior. The invaluable insight into the nature of the political-criminal nexus as presented by Roy Godson is combined with the criminological, social network approach to determine the motivational and structural causes for political-criminal cooperation. And, to understand how the political-criminal nexus figures in international relations, the findings of the aforementioned chapters are combined to examine the interface between state security services, transnational organized crime and political ideology.

20 Müller H. (2004). Think Big!: Der 11. September und seine Konsequenzen Für die Internationalen Beziehungen, in Zeitschrift für Internationale Beziehungen 11. Jg. Heft 1. p. 126

Fifth, it is expected that by answering this first set of questions, political-criminal relations will be established as a social structure available as an instrument of foreign policy to be used in pursuit, or defense, of state interests. The theoretical findings of this part are expected to facilitate the profiling of political-criminal relations according to the region or state of origin. In the last chapter of part two, and in preparation for the case study, the post-Soviet political-criminal nexus is profiled as a dynamic structure centered on the Russian state. By profiling the post-Soviet political-criminal nexus the comprehension of the geopolitics in the Black Sea Region and the security dynamics within the post-Soviet states is expected to be facilitated.

Part Three contains the case study and is divided into two main chapters. The first chapter sets the perspective; Ukraine's geopolitical position and the manner in which the post-Soviet political-criminal nexus figures inside Ukraine. In order to connect the linkages between soft power, national security and the post-Soviet political criminal nexus to the foreign policy of the Russian Federation, particular attention is given to the Russian Black Sea Fleet (RBSF) and pro-Russian separatism in Crimea. Special attention is given to the city of Sevastopol where the fleet's main base is located. In the second chapter, a presentation and analysis are made of those Russian institutions linked to soft power operations aimed at trust-building between the Russian Federation and Ukraine's population in Crimea. In the end of this part, the framework for soft power security analysis developed in Part One is used to determine the relationship between soft power, the post-Soviet political-criminal nexus and the promotion of separatism in the Autonomous Republic of Crimea in Ukraine.

By relying on open source materials, Ukrainian archives, information collected in the field including interviews with top ranking experts including Ukraine's Minister of Foreign Affairs, Boris Tarasyuk, Vice Admiral Volodymyr Bezkorovainiy and the former Mayor of Sevastopol Viktor Semenov, the role the Russian Black Sea Fleet played in Sevastopol and in the Autonomous Republic of Crimea is examined. Particular attention is given to the promotion of separatism, the actors, and the manner in which soft power was used in this regard. In the final part of the case study the information is analyzed to determine the extent to which it is possible to conclude that the promotion of separatism in Ukraine is interlinked with the use of soft power and the post-Soviet political-criminal nexus.

The research at hand is not only founded on theories from the disciplines of International Relations, Security Studies, Criminology and international Law; its objective is also to enhance them. It is expected to find that states can provoke

separatism using soft power. The inclusion of a political-criminal nexus into the state arsenal is expected to shed light on how states effectuate their unofficial policies. And, that a soft power security framework will be developed with which to analyze state behavior in this regard. It is also anticipated that the political-criminal nexus is linked to state-building and identity. It is expected that it is a social structure which influences state identity and affects the manner in which states perceive one another and behave.

This study is also designed to provide insight into how Kremlin-oriented political-criminal relations pose a threat to democratic transformation and the sovereignty of post-Soviet states in the Black Sea Region. In the case that it will be possible to conclude that the promotion of separatism in Crimea is linked to soft power operations and a transnational political-criminal nexus, the immediate greater implication of such a conclusion will be that this policy is not necessarily restricted to Russian foreign policy toward Ukraine, but is used in the other post-Soviet states in the Black Sea Region as well.

More importantly, it may be possible to extrapolate the conclusion to the global level of international relations as a whole and thereby shed light on how states illegitimately cause or stoke separatist conflicts and war with the soft power of attraction.

PART ONE: SOFT POWER SECURITY

In a competition with soft power, it matters very much what you and others think. If I shoot you to achieve my objective, it does not matter much what you think.

Nye 2008

1. Introduction

The power of the state and its ability to realize domestic and international goals derive from a combination of hard and soft power. Nye defines power as the ability to influence the behavior of others to get the outcomes one wants by using sticks (i.e. coercion, inducement), carrots (i.e. attraction) or a combination of both (i.e. *smart power*).²¹ This multilayered approach to state power was presented by Cline in 1977 as “the ability of the government of one state to cause the government of another state to do something the latter otherwise would not choose to do - whether by persuasion, coercion, or outright military force”.²² The focus here is on “the carrots”: persuasion and attraction.

Nye asserts that an entire playing field of foreign relations based on the power of attraction has been greatly ignored by policy makers and analysts.²³ Moïsi has taken the concept of soft power a step further by asserting a “geopolitics of emotion” which is compelled by three basic emotions (fear, hope and humiliation) drives state behavior and international relations.²⁴ This anthropomorphization also supports the constructivist approach to understanding state behavior, which is based on the study of ideas, identity and perception. Yet, the analysis of how states use immaterial power such as the soft power of attraction and psychological attributes such as emotion remains vague in international relations studies. This is particularly disconcerting as these intangible attributes clearly influence national and international security.

To determine whether states use soft power to gain power over foreign territory illegitimately (i.e. whether its use is linked to the promotion of separatism and political-criminal relations) it is necessary to know what soft power is. Moreover, it is

²¹ Nye 2004: 2, 34 and Nye 2008: x, xii, 83f.

²² Cline, 7.

²³ Nye, 2004.

²⁴ Moïsi D. (2009). *The Geopolitics of Emotion: How Cultures of Fear, Humiliation and Hope are Reshaping the World*. New York: Doubleday.

crucial for analysts to be aware of the components of national security soft power operations target in order to promote insurgency by way of attraction.

To this end, Cline's formula of perceived power potential, the sectoral approach to security as presented by Buzan *et al.* and Nye's notion of *soft power* are used in the following chapters. First, a presentation is made of Cline's calculus of perceived power. Developed in 1977, it presents one tangible and one intangible set of perceived power components of the state. Cline's formula is still of contemporary relevance. And, it is particularly interesting to the study of soft power because it allots more value to the intangible set. The reasons for their weighted significance will also be examined.

Second, for the security analyst an appealing feature of Cline's formula is that it appears to compliment and coincide with, the Copenhagen School's approach to international security studies. Territorial, economic, military, political and societal forces are the fundamentals of both. The constitutive elements of political and societal security are presented to determine the structural commonalities existing between Cline's intangibles and the soft security sectors. Nye's conceptualization of soft power is used to clarify how the rather elusive notion of intangible power is used by states in their international relations.

Cline, Buzan *et al.* and Nye all have separate, but complimentary approaches to international security analysis. Their approaches are used here to identify the constituent parts of state power, the relationship between soft power and national security, and the manners in which soft power can affect the national security of states according to Hobbesian, Lockean or Kantian interests. It is expected that by identifying the main intangible components of power and national security, a framework for soft power security analysis will be created. The soft power security framework will facilitate the analysis of how states use the power of attraction to gain geopolitical power.

1.1 The Perceived Power of the State

The ways in which humans relate to their own personal strength and communicate with one another are the fundamentals of society and civilization, much in the same manner in which states relate to their own power and each other are the fundamentals of international relations and diplomacy. When observing relations between states, Cline saw that “the strength of nations and of the clusters of nations allied to one another waxes and wanes in conformity with subterranean rhythms of economic, military and political currents producing growth and stability or conflict, erosion, and destruction”.²⁵

Cline’s theory of strategic drift, *politectionics*, was developed in the midst of the Cold War. Likening the shifts in regional cooperation to the Earth’s tectonics, he developed the term *politectionics* to denote “the formation and breakup of international power groupings, mainly regional in makeup, but also shaped by cultural, political, and economic forces”.²⁶ Endeavoring to develop an analytical instrument for measuring the perceived power of states, he created a formula that identifies the main categories of state power and how they relate to one another. This formula is presented in the first section of this chapter. However, before considering this formula, it is important to consider its name.

Already in the mid-seventies, before the Copenhagen school of thought introduced the concept of identity and perceptions to international security analysis, Cline named his formula the “Formula of Perceived Power”. By referring to and analyzing the “power of perception” he also indirectly alluded to concepts which would be developed decades later by his peers in the United States and Europe, namely, *soft power* and state identity.

The correlation between perceptions and concrete elements of power is a potent one. This fact is readily exposed throughout nature where harmless animals are endowed with deceiving features that make them appear dangerous and, contrarily, predators are oftentimes cloaked as harmless, if not seductive. The same appears to hold true in the realm of politics and international relations where perceptions of power are not derived solely from material or physical qualities but from immaterial ones as well.

For Cline, it was crucial that his readers recognize the correlation between power and perceptions of power: “we are talking about perceptions of power by

²⁵ Cline, 5.

²⁶ Cline, 3 - 4.

governments, which are often influenced by popular perceptions, and not necessarily about concrete elements of usable power".²⁷ Thus, popular perceptions play an important role in how the state perceives its own power and that of others.

As the power of perception relates to interstate relations, Cline forewarned that states must temper their perceptions of one another because perceptions can lead to error and war: "A national cannot afford to become mesmerized by the power potential of an adversary. An obsessive preoccupation with hostile governments can lead to error, either through exaggerated fear of the dangers they present or through anxiety to placate them".²⁸ There is power in perception itself and, ultimately, the manner in which the "other" is perceived may have less to do with who the "other" actually is than with the perception one holds of the "self".

However, according to Nye, "Practical politicians and ordinary people often find questions of behavior and motivation too complicated. They turn to a second definition of power and simply define it as the possession of capabilities or resources that can influence outcomes. Consequently, they consider a country powerful when it has a relatively large population and territory, extensive natural resources, economic strength, military force and social stability. The virtue of this second definition is that it makes power appear more concrete, measureable, and predictable. But this definition also has problems."²⁹ Cline was an analyst who did not shy away from problems of perceptions, behavior and motivation. Rather, he found the interface between the material and immaterial components of power pivotal to understanding international relations.

It is no secret that measuring the power of states accurately is extremely difficult. Regardless of the selected approach, the results are bound to be inexact. Cline asserts that when analysts attempt to quantify the power of states, they enter a region where numbers can only be notations of highly subjective judgments and nothing more.³⁰ His calculus of strategic drift is a macrometric technique, which seeks patterns and trends in international relationships by measuring power in a broad context where working with details is not always necessary or possible. Many of the variables are not truly quantifiable and, as a result, his calculus is not exact and the formula is not a "magic measuring rod".³¹ Rather, it is a study of plausibility.

²⁷ Cline, 35.

²⁸ Cline, 8.

²⁹ Nye 2004:3.

³⁰ Cline, 44.

³¹ Cline, 34-35.

This notwithstanding, the formula not only facilitates the calculation of perceived power, it indirectly identifies the components of power which states must modify in pursuit of geopolitical power. It follows that - lacking effective protection or securitization - their modification can lead to the loss of sovereign control over citizenry or territory, and ultimately the loss of sovereignty itself.

Two sets of power components are identified in the Perceived Power formula. The first contains three material components: the critical mass (C), economic capability (E), and military capability (M) of the state. Their aggregate constitutes the *tangible power* of the state. The *second* set contains the two immaterial components of state power: Strategic Purpose (S) and the National Will (W). Their aggregate constitutes the *intangible power* of the state. The perceived power of any given state is the product of the tangible and intangible components of state power.³² The formula is expressed as follows:

$$Pp = (C + E + M) \times (S + W)$$

Although the focus here is on the intangibles, to understand their value within the power equation it is necessary to briefly consider the tangible components of power. The distribution of territory and population among states is obviously unbalanced. The Critical Mass (C) refers to the land mass of a state and the number of people economically supported by it.³³ In the formula, it accounts for an arbitrary maximum of 100 points in which 50 points are allotted to the predominance in numbers of people and 50 to the predominance in the extent of the territory.³⁴ A bonus weight value of 5 points is given to territories occupying crucial strategic locations such as sea-lanes.³⁵

The component of Economic Capability (E) is made up of two variables: the Gross National Product (GNP) and the state's resources. Cline uses the state's Gross National Product to determine a global ranking order. The state with the highest GNP is allotted 100 points; proportionately lesser scores are assigned to states with smaller GNPs.³⁶ Using the same argumentation when awarding bonus points to states with crucial strategic locations, Cline identifies five broad factors that can adjust a state's Economic Capability ranking. The second variable affecting E is

³² Ibid.

³³ Cline, 37.

³⁴ Cline, 38.

³⁵ Cline, 45-6.

³⁶ Cline, 58.

made up of bonus economic weights outside of the GNP. The five “bonus factors” are energy resources, minerals, industrial strength, agriculture, and foreign economic relations.³⁷ Each can deliver an additional 20 points to the state’s perceived power (to an additional maximum of 100 points).³⁸ Combining the GNP with the bonus factors brings the highest possible total to 200 points.

In formulating estimates of perceived Military Capability (M), units and weapons must be laboriously counted and great efforts made to obtain the raw data upon which to base statistics. Because the interest here lies in the intangible components of states power, it is neither the purpose nor intention to give a detailed account of how military capabilities should be counted. Thus, only a brief overview is given of components which are factored into it. A state may gain a maximum of 200 points for its military capabilities: 100 points to the perceived power of states for strategic nuclear capability and 100 for conventional weapons force balance.

Together, the state’s population and territory (C), economic capabilities (E) and military capability (M) form the tangible components of perceived power. Their maximum aggregate is 500.

C	Territory	50	
	Population	50	
			100
E	GDP	100	
	strategic resources	100	
			200
M	strategic nuclear capabilities	100	
	conventional weapons	100	
			200
	total (C+E+M)		500

Figure 1 Tangible Power Equation

In the formula, this figure relies heavily on the value allotted to the intangible components of power. Whereas Nye asserts, “soft power does not depend on hard power”, Cline goes a step further. He asserts that intangible power can actually nullify the tangible components of state power not vice versa.³⁹ It is not immediately evident how intangible or “soft” power can actually nullify the value of a state’s material

³⁷ Ibid.

³⁸ In a few cases of otherwise economically powerful nations, specific weaknesses are so apparent that a negative value maybe in increased or decreased in proportion to such a special economic strength or weakness. (Cline, 60).

³⁹ Nye 2004:9.

assets. It is therefore necessary to consider the total allotted value for intangible power and the way it is used in Cline's formula.

Working from the assumption that most states have little or no enlargement policies and that their strength does not reach very far beyond their territory at all, Cline allots an index weight of 1 to the aggregate of Strategic Purpose (S) and National Will (W) (.5 for each). In the case that a state achieves this arbitrary index weight, the multiplier will be 1 and the value of the rest remains unchanged.⁴⁰

$$Pp = (100+200+200) \times (.5+ .5) = 500$$

However, a maximum weight of 2 is possible for the combined intangible components of power. Strong states with clear strategic plans for international enlargement can receive a larger number of the factor S. The value of S can reach a value weight of up to an arbitrary maximum score of 1. Similarly, nations with a strong National Will that are unified socially, psychologically, and politically behind strategic aims, may also be assigned a larger index number (up to the arbitrary maximum of 1) for the factor W. This can thereby double the points allotted to the tangible components.⁴¹ For instance, let us assume that a state has scored a full 500 points on tangibles, and also reached the maximum of 2 points for the intangibles. In such a case, the total perceived power score of that state would be 1000.

$$Pp = (100+200+200) \times (1+1) = 1000$$

The opposite effect is also possible. States that are weak, strategically confused, and/or suffer national disunity may score below the "normal" index weight of .5.⁴² A fractional index rating below .5 for one, or both, of the intangible factors results in reduced values for the tangible (material) components of state power.

It is easy to perceive states as being weaker and stronger in these areas. However, it is difficult to imagine a state with no strategy and no National Will whatsoever. This is because "lacking a coherent national strategy or organized national political will to carry out any strategy, the tangible elements of its power may be reduced to nearly nothing; anything that is multiplied by zero equals zero".⁴³

⁴⁰ Cline, 143.

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid., 141, 143-44.

$$Pp = (100+200+200) \times (.0 + .0) = 0$$

Now that the manner in which tangible power components interact with the intangible ones has been presented, it should become apparent that from a security perspective, a state with Lockean or Hobbesian intentions would be wise to target the intangible components of state power. It is therefore important to know what the intangible components are and how they relate to national security.

1.1.1 *Intangible Power*

Cline identifies the intangible components of perceived power, the national Strategic Purpose and the National Will as the most important factors in any net assessment of state power.⁴⁴ Since they are the key components of perceived state power, it is foreseeable that Kantian states will move to develop or nurture them both nationally and internationally. Conversely, because of their inherent value, it is in the interest of states with Hobbesian or Lockean intentions to target and modify them in a manner which provides them geopolitical power.

Before considering these two components of state power and how their value is quantified, it is important to distinguish between the manner in which strong and weak states use intangible power. Cline asserts most countries are normally preoccupied with local and regional interests but should be able to “summon up sufficient political and social cohesion to pursue their rather limited national purposes with reasonable effectiveness in the international arena”.⁴⁵ Great powers have the capacity to influence international relations and create global strategies. Secondary powers are unlikely to influence international relations on their own; therefore they create associations with more powerful states.⁴⁶

Nye notes that throughout history, weaker states have either joined to balance and limit the power of a threatening stronger state, or have been *attracted* to “jumping on the bandwagon led by a strong country, particularly when they have little choice or when the large country’s military power is accompanied by soft power.”⁴⁷ An example of this is the perceived necessity of post-Communist and post-Soviet states to join NATO and the EU. Conversely, Russia’s perception that such alliances

44 Ibid., 144, 176.

45 Ibid., 142.

46 Ibid.

47 Nye, 2004:25-26.

will lead to Russia's loss of influence leads to a policy of deterring such developments.

However, states influence the course of their international relations in ways that are not always blatantly connected to participation in one or another military or economic block. They also use soft power strategically to influence international relations on other social levels. For example, in the US "powerful policy effects" have been traced back to a miniscule number (40-50) of college/graduate exchanges that took place in the 1950s.⁴⁸ Another, rather novel, example of how soft power is used to influence interstate relations relates to food. For instance, Thailand's government, having discovered that foreigners love Thai food, set a goal of boosting the number of Thai restaurants overseas as a way to "subtly help to deepen relations with other countries". Soft power is available to all countries, and many invest in ways to use soft-power resources to "punch above their weight: in international politics".⁴⁹

Equally, a lack of command or even knowledge of intangible power makes the state and its institutions particularly vulnerable to external penetration. A great power interested in preventing smaller states from summoning enough political and social cohesion to realize their interests, would aim at weakening their internal and external Strategic Purpose and National Will. It would strive to counteract balancing alliance strategies by making them appear altogether unappealing. Thus, to be successful in international relations, the state must have an effective strategy and the National Will to realize it. These main components of state power considered in detail below.

Strategic Purpose

The national Strategic Purpose of a state depends on its specific category (i.e. great power, secondary or tertiary power). It also fluctuates with the political and security environment. Despite this fluid nature, national Strategic Purpose determines the conditions for cooperation or conflict with other countries, chances for political life or death and, eventually, national survival or extinction.⁵⁰

It is possible to deduce from this assertion that the purpose of national strategy is threefold: 1) to protect and serve the interests of the nation, 2) to secure the political system and 3) to provide an international angle through which the state relates with others. Ideally, these functions should be served in a manner that protects and enhances the interests and agreed goals of the nation as expressed

48 Ibid., 26.

49 Ibid., 89.

50 Cline, 142.

through their government leaders.⁵¹ Converting resources into desired outcomes requires well-designed strategies and skillful leadership.⁵²

Cline does not provide a set of criteria with which to measure or judge the strength of national Strategic Purpose. Rather, he identifies two pillars upon which national Strategic Purpose rests: the nation and its aggregate interests. Together, these pillars form the common purpose upon which (over and above individual goals) effective strategy depends.⁵³ Those endowed with the responsibility of creating national strategy should use it to benefit the nation and, in turn, the power of the state. Although political colors may change, the state must maintain a general drift reflective of its nation.

It is not necessary for everyone within the nation to agree with the trend or general direction which reflects its shared common purposes.⁵⁴ Yet, ideology is the driving force of national Strategic Purpose and sets the norms for acceptable thinking and behavior.⁵⁵ It is the responsibility of the state to support this generally discernable trend and progressively promote the common interests of its people.

It is important to note the government should *first* derive the common interests from its populace and *then* formulate strategy. However, since public opinion is moldable, the state is in a position to influence the formulation of interests within the populace. The shaping of public opinion by states is not a new phenomenon. It is both an internal and external practice which affects, and is affected by, the strength category of the state concerned.

According to Nye, the shaping of public opinion and interests is particularly important where authoritarian governments have been replaced by new democracies.⁵⁶ States in transition often receive assistance from third states or international organizations to develop strategy and transformation policies because “where there is ambivalence there is scope for policy to try to improve the ration of the positive to the negative perceptions”.⁵⁷ However, forming the public opinion and national Strategic Purpose of states in transition is a particularly difficult task. The players are either in an ideological vacuum, or are divided between the old ideology and a new one. This makes their state particularly vulnerable to both internal instability and external influence.

51 Ibid.

52 Nye, 2004: 3.

53 Cline, 141.

54 Ibid.

55 Cline, 152.

56 Nye, 2004: 105.

57 Ibid., 53.

In this regard, there is a fine line between democratic responsibilities of the state, the state's shaping of public opinion for its own Strategic Purposes, and external interference into national political processes. The Strategic Purpose of the state should secure the domestic interests of the nation. On the international level, it should strengthen the state and its international standing through the creation of alliances that serve the state's national security.

In his assessment of the Soviet Union's national Strategic Purpose, Cline awarded it with a high score. He did so because of its international power, coherent strategy, and formulations of national goals as rhetoric of ideology, and, tightly controlled population.⁵⁸ Ironically, however, the social costs, particularly related to the tight controls placed upon its population, eventually led to the demise of the Soviet Union.

Viewing strategy from a slightly different angle, Nye presents a number of examples of how soft power was strategically used to by the United States to serve its foreign policy interests abroad:

Not only was popular culture relevant to the achievement of American foreign policy goals in Western Europe but it also has been important for a number of other policy goals, including the undercutting of the apartheid regime in South Africa, the increase in the number of democratic governments in Latin America and parts of East Asia, the overthrow of the Milosevic regime in Serbia, pressure for liberalization in Iran, and the consolidation of an open international economic system, to name just a few. Indeed, when South Africa in 1971 was debating whether to allow television into the country, Albert Hertzog, a conservative former Minister of Posts and Telegraphs, rejected it as a symbol of Western degeneracy that "would lead to the demoralization of South African civilization and the destruction of apartheid". He turned out to be right.⁵⁹

In reference to the European use of soft power he notes, "In addition to its attractive culture and domestic policies, Europe also derives soft power from its foreign policies, which often contribute to global public good. ... Europe gains credibility from its positions on global climate change, international law, and human rights treaties. Moreover, Europeans provide 70 percent of overseas development assistance to

⁵⁸ Cline, 152, 175.

⁵⁹ Nye, 2004:51.

poor countries – four times more than the United States.”⁶⁰ It follows from these examples that soft power plays an important role in national strategy and world politics. The national Strategic Purpose of strong states, unions, or governmental organizations appears to focus on serving the global village, its interests and, in turn, a sort of supranational common purpose.

However, there is also value in hampering the development of national Strategic Purpose of smaller states. By influencing the interests which lend to the unity of the common purpose it is possible to strategically confuse a state and affect its capacity to realize its national or international interests. This also affects their capacity to form or join international organizations and international alliances. Inevitably, it renders them weaker players vulnerable to external penetration.

Albeit a result of internal political infighting or external interference – a badly formulated national Strategic Purpose can lead to the demise of the state. Without it the interests of the populace are either disregarded or disunited. As a result, the citizenry, or parts thereof, may turn away from the state and seek support for their interests from other organized institutions or third states. Under such prevailing circumstances it is foreseeable that migration would flourish and separatist sentiments fester. Thus, a state unable to create effective national strategy runs the risk of deteriorating national cohesiveness to the extent of losing effective control over its economic and military capability, and, eventually its critical mass.

To be strong and successful, individuals and nations alike require articulated goals and strategies, unity and ideology to drive it. To judge a man's success one must observe his goals as well as the manner and extent by which he reaches them. To judge a government's capacity to make national strategy requires direct observation of each nation at work.⁶¹ Thus, a nation must *want* to work towards realizing the national Strategic Purpose. This necessity brings us to the second intangible component of perceived state power, namely the *National Will*.

National Will

The National Will is that which enables a nation to utilize the tangible components of state power to the fullest. It is affected by the authority of national leadership together with the degrees to which attitudes, values, and purposes are shared in a nation.⁶² In the previous section it was shown that effective national strategy requires a common purpose derived from a state's nation. Nationhood is an important factor affecting

⁶⁰ Nye, 2004:80.

⁶¹ Cline, 149.

⁶² Ibid., 145.

international relations and the National Will. From a strategic point of view, it can be used to unite people to promote peace (e.g. Switzerland). It can also be manipulated to stimulate conflicts and war. As with national Strategic Purpose, the nature of the National Will is not static. Rather, the elements of the National Will are multiple, diverse and rely heavily on perceptions.⁶³

It is important to note that since we are dealing with perceptions, we are also dealing with the part of state power which greatly relies on human reactions. Three types of perceptions affect the cohesiveness of nationhood and, in turn, the strength of the National Will:

1. The manner in which people of a country perceive themselves in relation to each other.
2. The manner in which the people of a country perceive themselves in relation to the world around them.
3. The manner in which their society provides modes and procedures for acting upon these perceptions.⁶⁴

The third factor is important. It indicates the vital role played by the state in influencing perception. At times, states may develop policies or institution-dependent ideas to shape the perceptions of its citizenry. This shows that part of the soft power of manipulating perceptions is in the hands of governments.

While the concept of perceptions is quite vague, a number of constant elements of the National Will are identifiable. Cline identified the following broad elements as repeatedly emerging contributory strands of the fabric of National Will:

1. The level or degree of national integration;
2. The effective strength of national leadership, and;
3. The relevance of national strategy to national interests as they are perceived by the citizens.⁶⁵

These are the constituent parts of the National Will which must be included into the general framework for analyzing if and how foreign policies target the national security of third states by manipulating intangible power. In the following sections, the

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Cline, 146, 148-9.

level or degree of national integration, effective strength of national leadership and the relevance of strategy to the common interest are considered in further detail.

Level or degree of national integration

Liberal globalization, the promotion of universal human rights, and the free movement of peoples within unions of states affect the traditional notion of nationhood. The notion of belonging to a larger “human race” or “human nation” shifts territorial loyalties towards other supranational structures/ideas. Paradoxically, postmodernism also gives rise to feelings of resentment to foreigners, nationalist movements and violence. This lack of, or resistance to integration is a result of us and them perceptions held by peoples within the state.

The level of national integration within the state affects the way citizens perceive one another. The greater the prevalence of the we perception, the higher the level or degree of national integration. National integration is a key element of the National Will and national security. It is subdivided into three main categories: cultural uniformity, the strength of territorial integration and a shared common history.

Cultural Uniformity

The values and practices that create meaning for a society clearly differ within and among states. When addressing culture, Nye identifies it as “the set of values and practices that create meaning for a society. It has many manifestations. It is common to distinguish between high culture such as literature, art and education, which appeals to elites, and popular culture, which focuses on mass entertainment.”⁶⁶ All its possible variations aside, cultural practices remain the fabric of society. They are also the key to understanding societal security.

According to Cline, cultural uniformity is the first component affecting the level of national integration. It can be assessed based on ethnic, linguistic and religious uniformity. Of course, there is hardly a state in the world where all three of these come to bear full uniformity. Thus, although the degree of uniformity of each does contribute to the level of national integration, one can replace the other as a dominant integrating force.⁶⁷ Thus, uniformity in each of the aforementioned factors is not essential to nationhood. For instance, Canada, the United States, and Switzerland are good examples of strong states with diverse ethnicities, languages and religions. What is essential however, is that the diversity within a nation is

⁶⁶ Nye, 2004:11.

⁶⁷ Cline, 146.

accommodated by a national strategy which promotes positive perceptions between the groups. Contrarily, following the logic of *divide et impera*, hostile foreign policies should aim at creating schisms between ethnic, linguistic and religious groupings within the targeted area.

Strength of the concept of national territoriality

International relations and geopolitics revolve around state interests. The concept that certain peoples belong to the territory in which they are found (and the territory belongs to them) is pivotal to state interests, the National Will, and the existence of the state. Ideally, state officials represent populations with a unique relationship to the territory upon which they live. Cline asserts that it is essential for citizens of a state to have a feeling of belonging to their country. The stronger their psychological conviction is in this regard, the greater will be the contribution of national territoriality to national integration.⁶⁸

Strong nationhood requires that the people occupying a particular geographic area look outside their local environs and feel part of a larger community, i.e. the state to which they belong.⁶⁹ The strength of the state's nationhood is negatively affected if citizens look outside their local environs and not to the unseen larger community of their own state but rather to another community (albeit a territorial entity within the nation or a third state). For example, if each ethnic group in the United States or Canada (e.g. Armenian, Italian, or Chinese) were to identify itself more with the interests of their ethnic states than the common purpose of their state of citizenship, the power of both the "home state" and the "ethnic state" would be affected. It may even drive them to promote policies within their home state that are more beneficial to their ethnic state (e.g. the Armenian lobby's call for US embargo with Azerbaijan and strained impact of relations with Turkey as a result of recognition of the 1915 Massacre of Armenians by Ottoman Turkey as genocide).

Nye uses the significant immigrant populations/diasporas in Britain and the United States as examples of how these groups provide "culturally sensitive and linguistically skilled connections" in international relations.⁷⁰ He continues by noting that Germany was the front-runner in using government funds to build and maintain political party contacts in foreign states. This form of outreach through soft power is certainly a model to follow in peacemaking and the development of peaceful international relations.

⁶⁸ Cline, 148.

⁶⁹ Cline, 147.

⁷⁰ Nye, 2004:114.

However, the line between using such soft power to create peace on the one hand, and the exportation of state policy into third states in violation of sovereignty on the other, is a fine one. The manner in which these relationships of attraction (i.e. pure attraction, inducement or coercion) are built ultimately determines their legitimacy.

Collective Memory

The final element affecting the level or degree of national integration is the nation's collective memory. The regard which people have for their heritage, *i.e.* their collective memory of an "often greatly-idealized past" plays a significant role in unifying or segregating peoples.⁷¹ It is through the notion of a shared common past that history plays a role in joining or fractioning nations. The uniting power of a people's ability to look at the past through the same observing lens plays a strong role in nationhood.

An example of how collective memory can create a schism within states is found in the post-Soviet states in transition. During the Soviet days, Russia directed a policy where greater loyalty was to be accorded to the Union rather than to individual nation-states. Today, one still finds a schism within post-Soviet populations. Some look back at their Soviet days and authoritarian group-think ideology (which was necessary to create the Soviet Union as a super power) with fondness. Others look to the past and see the Kremlin's rule as suppressive and/or oppressive of their own national/ethnic cultures and identities. The former perception supports a continued affiliation and loyalty towards the identity and policies of the Kremlin over those of their own or occidental states. The latter perception, foreseeably leads to the opposite.

Effective strength of national leadership

The second broad component of National Will is the ability of a national leadership to serve its nation's needs or common purpose effectively. It is assessed from two angles: the government's capability to create coherent policies and, the level of response which the policies receive from the populace (level of social discipline of the populace).⁷²

⁷¹ Cline, 147.

⁷² Cline, 148-9.

Governmental policy capability

The import of governmental policy capability is found in the fact that Strategic Purpose is the other intangible component of Cline's perceived power calculus. However, having a national strategy is insufficient. "The real authority of the government is bestowed upon it by the nation, albeit by established tradition, force or popularly chosen governmental organization, it is limited and its fate rests, ultimately, in the reaction of the people toward both the leadership and its stated national strategy."⁷³ A high response norm remains a requirement of the National Will. The nation must respect the authority of the government that created the strategy. The only contradiction of the notion of the state serving the common purpose is if the attainment of government policies and power was accomplished through force.

Response Norm (level of social discipline within the populace)

For the national leadership to have legitimate strength, its national strategy must reflect the common purpose. It must also establish a positive level of expectation that the policy will in fact be realized.⁷⁴ Whatever the chosen strategy of the leadership may be, the perceived relevance to the aggregate interests of the people will be a significant determining factor of the response norm. The response norm is critically important to both internal and external state matters. The strength of a state's National Will depends, partly, on whether strategic aims have been wisely formulated and skillfully explained in terms of national interest.⁷⁵

Whereas Cline asserts that the level of response may be gained through attraction or force, Nye calls attention to "the second, or 'structural'" face of power – the ability to get the outcomes you want without having to force people to change their behavior through threats or payments.⁷⁶ On the national level, this means that a state/government must elicit respect from the governed either because it is investing in their interests or, at least, portrays itself as doing so. Importantly, the respect gained must transpose itself into a citizenry that actually works to give effect to the state's strategy.

Perceptions and ideas are immaterial and manipulatable. States effectuate policies designed to influence the identity ideas of their populations. The manner in which the *idea* of the national interest is molded by government policies is important. On an international level, Hobbesian or Lockean powers may weaken a state's

⁷³ Cline, 145.

⁷⁴ Cline, 149.

⁷⁵ Ibid., 145.

⁷⁶ Nye, 2004: 115.

national strategy by either promoting the perception of the targeted state's government as unworthy of national respect or, conversely, by encouraging state officials to act in a self-serving manner. Both cause the population to lose respect for the state and the will to give effect to its policies. Since the degree of coherent behavior and consistency in a body politic is the main cause of its success or failure, reducing the nation's faith in its politicians, the governmental system, and the strategies it designs, effectively diminishes the response norm and the National Will.

Perceived Relevance of the national strategy to the national interest

The nation's perceptions play an extremely important role in regard to strategy. Policies can soften or sharpen hard structural edges affecting the ration of love to hate in complex love-hate relationships.⁷⁷ Cline asserts that strategies perceived as directed toward national self-protection or survival (albeit through enhancing the economic well-being of the majority of the population, achieving a superior position over an established enemy, or preventing an established national enemy from achieving a superior position over one's own country), can be assured of some degree of positive response.⁷⁸ Furthermore, the extent to which a nation perceives its government as serving national interests impacts policy effectiveness. Strategies concerned mainly with aggrandizing the personal glory of the leadership, or elevating a minority group to a higher social or economic position are less likely to elicit a high response norm.⁷⁹

A nation may be either efficient or inept in carrying out its government policies. It all depends on the strength of the political will of the people and their interests, as expressed in their national decision-making. The basic fundament of successful strategy lies in the ability of the state to please the basic internal and external needs and interests of its citizenry.

Nye asserts that to measure power in terms of the changed behavior of others, it is first necessary to know their preferences.⁸⁰ The basic needs of the populace include the satisfaction of economic needs, distribution of wealth, balance between authority and civil order and the protection of civil and minority rights. However, there are ideas and identity issues that supersede basic material interests. These are the things people are willing to sacrifice their material comforts for. If those in power are unable to strategize and satisfy national interests (both basic and

⁷⁷ Nye, 2004: 39.

⁷⁸ Cline, 150.

⁷⁹ Ibid.

⁸⁰ Nye, 2004:2.

identity-idea based), their impotence may lead to the loss of governmental or executive power, political crises, social uprising or the crumbling of the state.

1.1.2 The Power of Persuasion

In response to Cline's publication, Brazilian Major General de Meira Mattos asserted that the set of intangible components was incomplete. According to de Meira Mattos, a psychosocial component, the "capacity to influence" should be factored into the concept of state power.⁸¹

According to Nye, the capacity to influence is an important factor in obtaining desired policy effects. In relation to soft power, he asserts the power of persuasion also lies in the ability of the power seeker to project his/her objectives as legitimate.⁸² It is important however, not to confuse perceived legitimacy as truly legitimate or soft power with nice power, "Like any form of power, soft power can be wielded for good or bad purposes, and these often vary according to the eye of the beholder".⁸³ In presenting soft power, Nye asks his reader to consider it as a separate chessboard in the three-dimensional chessboard made up of hard (military) power, economic power and soft power. Each form of power is paired with behaviors, currencies and policies.

81 De Meira Mattos C. (1977). The Evolution and Evaluation of the Concept of Power in Military Review, Issue: June. p 94.

82 Nye 2004: 2.

83 Nye, 2008: 43.

	Behaviors	Primary Currencies	Government Policies
Military Power	coercion deterrence protection	Threats force	coercive diplomacy war alliance
Economic Power	inducement coercion	payments sanctions	aid bribes sanctions
Soft Power	attraction agenda setting	values culture policies institutions	public diplomacy bilateral and multilateral diplomacy

Figure 2 Three Dimensional Chessboard of Power

[Nye 2004: 31]

Accepting this, the competition for geopolitical control takes place, simultaneously, on all of the above power chessboards, making the distinction between hard and soft power one of degree. However, although soft power does not depend on hard power, it is implausible to view each separately with the presumption that the primary currencies and government policies do not intermix. As this interrelationship relates to soft power Nye notes, “hard and soft power is often combined, sometimes with a soft layer of attraction overlaid on underlying relationships that rest on coercion or payment”.⁸⁴

It is this overlay that is of particular interest to this study. It connects the primary currencies of soft power to coercion or payment. An example of this can be found in Russia's policy toward Azerbaijan as it pertained to matters related to Ukraine's soft power, particularly, its common history. In an effort to suppress information about the Kremlin-directed forced starvation of millions of Ukrainians in 1932-1933, President Medvedev threatened Azerbaijan with war:

The Prince [Prince Andrew, Duke of York] pounced at the sound of that name. He told the Ambassador that he was a frequent visitor to Central Asia and the Caucasus and had noticed a marked increase in Russian pressure and concomitant anxiety among the locals, post-August events in Georgia. He stated the following story related to him recently by Azerbaijan's President

⁸⁴ Nye, 2008:30.

Aliyev. Aliyev had received a letter from President Medvedev telling him that if Azerbaijan supported the designation of the Bolshevik artificial famine in Ukraine as “genocide” at the United Nations, “then you can forget about seeing Nagorno-Karabakh ever again.” Prince Andrew added that every single other regional President had told him of receiving similar “directive” letters from Medvedev except for Bakiyev.⁸⁵

The three-dimensional chessboard of power also viably interlinks political-criminal relations with the use or suppression of soft power. The end of the Cold War provides another example. Nye notes The Cold War was won by a mixture of hard and soft power; soft power including media, the BBC and the Beatles eroded the Soviet system from within.⁸⁶ The American dream, wrapped in the attractiveness of blue jeans, Rock and Roll, foreign press and even McDonalds also played a role in eroding the Soviet system. However, the manner in which these components of soft power actually made it into the Soviet territories (where some legally prohibited) deserves attention. Thus, it appears that the export of soft power currencies also depends on a mixture of primary currencies and behaviors including the transgression of laws.

Both hard and soft power relate to the ability to achieve one’s purpose by affecting the behavior of others. A spectrum of behaviors ranging from command (hard power) and co-option (soft power) has been charted by Nye who warns that the relationship between the two is imperfect.⁸⁷ The distinction between them is a matter of degree.

	Hard	Soft
Spectrum of Behaviors	Coercion inducement Command ←	Agenda-setting attraction → Co-opt
Most Likely Resources	force, payments, sanctions, bribes	Institutions values culture policies

⁸⁵ US Diplomatic Wire (2008). Document 08Bishkek1095 filed confidential by Ambassador Tatiana Gfoeller 29-10-2008. available at: <<http://wikileaks.ch/mod/fi/cable/2008/10/08BISHKEK1095.html>>

⁸⁶ Nye, 2004:50.

⁸⁷ Nye, 2004:61, 30 & 7.

Figure 3 Hard and Soft Power Behaviours

[Nye 2004: 8]

Nye asserts that “people’s decisions in the marketplace of ideas are often shaped by an intangible attraction that persuades them to go along with other’s purposes without any explicit exchange of tangible threats or rewards taking place” and that, “soft power uses a different currency (not force, not money) to engender cooperation”.⁸⁸

However, a nexus is of interest here, particularly, the grey area between inducement (using incentives such as payments and bribes) and agenda setting (using values, culture and policies). Whereas it is difficult to imagine one state bribing or coercing an entire population to promote its institutions, culture or policies, a top down use of such methods is easier to imagine. For instance, hard power resources and behaviors are used to persuade decision makers (or other authoritative actors) to implement policies or accept business deals that promote the soft power of the intervening party. Examples of this include bribing or coercing officials to overlook procedural as well as other legal requirements.

Leaving questions pertaining to the sincerity of the power seeker and the manners in which the legitimacy of his/her interests is projected aside for the moment, it should be clear that it is necessary to influence human behavior to gain power. For these reasons, General de Meira Mattos proposed to improve Cline’s formula by adding the factor “P”, the power to influence the course of events in international relations (the power of persuasion) to Cline’s set of intangible variables.⁸⁹ The new value P would correspond to “the capacity of a state to convince or influence other states”.⁹⁰ According to de Meira Mattos’ logic, the perceived power formula would be more accurate expressed like this:

$$Pp = (C + E + M) \times (S + W + P)$$

The consideration of “the power to influence” as a separate component of certainly has merits. De Meira Mattos refutes the move to treat the value “P” as intrinsic to the values “S” and “W” because of the existence of states who, despite a steady will to win (strong combination of S + W) nonetheless, remain “without capacity to convince other states of the justice of its cause”.⁹¹ Although his logic is valid and the power to

⁸⁸ Nye, 2008:31.

⁸⁹ De Meira Mattos, 92-6. See also Diak I. V. (Діак І. В.), (2006). The Fifth Column in Ukraine: a threat to nationhood (П'ята Колонна в Україні: загроза державності). Київ (Kyiv): ББК. p 100.

⁹⁰ De Meira Mattos, 95.

⁹¹ Ibid.

influence is indeed necessary to be able to use soft power, de Meira Mattos neither explains the components of P nor proposes a detailed system of measurement within Cline's framework. Furthermore, in the preceding sections on national Strategic Purpose and National Will, a distinction was made between strong and weak states in this regard. It showed that stronger states are in a position of greater influence and that weaker states are often "victimized" by the consequential policies of great states. Thus, the "power to influence" will be treated here as intrinsic to the components (S + W) but will also be given separate consideration in this study. It is important to bear the three-dimensional chessboard of war in mind and realize that soft power does not necessarily mean nice power. The manners in which soft power currencies may become attractive within a state may be the result of foreign policies of bribery and coercion that belong to either the economic or military chessboards of power.

1.1.3 Conclusion

State power consists of tangible and intangible components. Within the formula of perceived state power, the intangible components carry more value. In fact, they are able to nullify the value of the tangible components. Due to their immaterial nature, measuring intangible components of power is more challenging than measuring the tangible ones. The main reason is that this is an area where ideas and identity really matter. When considering intangible power, we enter a "region where numbers can only be notations of highly subjective judgments, nothing more".⁹²

Moreover, the identity and perception of the observer affect the values given to the intangible components of soft power invariably. For example, national legislation granting freedom and full rights to homosexuals may be seen as social strength in occidental states such as The Netherlands or Canada, but may be perceived as social and cultural deterioration by eastern states like Iran or Uzbekistan. Another example can be found in the reception of foreign (owned) press and censorship. In a mature democracy such as the United States or Great Britain, mass media, the freedom of the press, and access to it, have become pillars of society. However, in a weak state in transition such as Georgia, foreign (anti-democratic) press critical of the government's democratization policies may actually pose a threat to its transition and national security thereby justifying censorship.

Cline does not provide a list of criteria upon which to value Strategic Purpose. Its nature is fluid and determines the conditions for of peace or conflict and, in turn, national survival or extinction. The purpose of national strategy is to protect and

⁹² Cline, 34-35.

serve the interests of the nation, to secure the political system, and, to provide an international angle through which the state relates with others. Theoretically it rests on the common purpose, which is a combination of the nation and its aggregate interests.

The National Will is the other intangible component of state power. It is an expression of the aggregate emotions and desires of a people; essentially a measurement of human responses.⁹³ Since human beings respond with greater intensity to some situations than to others, the level of response is related to their perceptions of themselves, of the world around them and the modes and procedures made available to them to act upon these perceptions. All of these factors are in turn affected by the following components of National Will:

- I. Level or degree of national integration of the people in
the feeling of belonging to a nation.
 - Degree of national integration
 - Cultural integration
 - Ethnicity
 - Language
 - Religion
 - National Territoriality
 - Collective memory
- II. Effective strength of national leadership.
 - Governmental policy capability
 - Response norm (level social discipline of the
populace)
- III. Relevance of national strategy to national interests as they
are perceived by the citizens.⁹⁴

The capacity of a state to influence its nation or that of another state lies in the fact that perceptions can be manipulated as they relate to both, tangible and intangible sources of power. The fact the intangible components can nullify tangible power makes it important for security studies. It is foreseeable that a state with a long-term aggrandizement strategy would employ tactics in the international sphere that weaken/modify the intangible state power of third states to its own advantage. For security analysts to scrutinize such policies and, in turn, for states targeted by such a strategy to recognize and securitize against such tactics, knowledge of the

⁹³ Ibid., 150.

⁹⁴ Ibid., 146, 148-51.

components of intangible national security is needed. This is a difficult order. Nonetheless, given the particular value of the intangible components of state power, and the extents to which states are willing to go to in their hungry grab for power, judgments on the use and modification of intangible, "soft power", are critical and must be made.

1.2 Soft Power Security

The multisectoral approach to security analysis presented by Buzan *et al.* is useful to this study because an important correlation appears to exist between the elements of power presented in Cline's Calculus of Strategic Drift and the sectoral approach to security. Traditionally, the study of international security has been limited to the military and political sectors. In 1991, Buzan extended the concept of security to include five separate, interdependent sectors namely, the military, political, economic, societal and environmental ones:

Generally speaking, military security concerns the interplay of the armed offense and defense capabilities and state perceptions of each other's intentions. Political security concerns the organizational capability of states, systems of government and the ideologies that give them legitimacy. Economic security concerns access to the resources, finance and markets necessary to sustain acceptable levels of welfare and state power. Societal security concerns the sustainability, within acceptable conditions for evolution, of traditional patterns of language, culture and religious and national identity and custom. Environmental security concerns the maintenance of the local and the planetary biosphere as the essential support system on which all other human enterprises depend.⁹⁵

Two decades after Cline presented his calculus of perceived state power, European security experts widened the concept of security and security analysis even further. In 1998 Buzan, Wæver and de Wilde elaborated Buzan's multisectoral approach with concepts such as (securitizing) actors, referent objects and levels of analysis to the sectoral analysis. Buzan *et al.* add referent objects (other than the state) to the realm of security analysis. They assert that securitization occurs when something is presented as an existential threat to a referent object, and that to understand the nature of the threat requires knowledge of the particular character of the referent object within the given sector.⁹⁶ Their sectoral approach shows that threats to national security do not necessarily have to be aimed directly at the state. Rather, they may be directed against certain sections within the five security sectors, which, in turn, negatively impact the targeted state.

Reiterating Buzan's 1991 approach, they present security as something that does not simply pertain to the use of force. They note that fears stemming from

⁹⁵ Buzan B. Waever O. & J. de Wilde (1998). *Security: A New Framework For Analysis*, London: Lynne Rienner Publishers, pp 7-8. citing Buzan B. (1991). *People, States and Fear: An agenda for International Security Studies in the Post-Cold War Era*. 2nd Ed. Boulder: Lynne Reinner; Hemel Hempstead: Harvester Wheatsheaf, pp 19-20.

⁹⁶ Buzan *et al.*, 1998: 21.

sectors other than the military one, if left unaddressed, may rear their heads as military issues. One of the main points made by the authors of the sectoral approach is that “security is not just the use of force but a particular type of intersubjective politics.”⁹⁷

Importantly, it appears possible to pair the security sectors as presented by Buzan *et al.* (and eventually their referent objects) under the components of perceived state power. From the onset, the tangible components can be paired as follows: the critical mass with the environmental sector; Military capabilities with the military sector and Economic ones with the economic sector:

C = environmental/societal sector

E = economic sector

M = military sector

Of particular interest to this study is the relationship between intangible components of state power (Strategic Purpose: S, and National Will: W) and the political and societal security sectors. Buzan *et al.* assert “existential fears about sociocultural penetration by a dynamic neighboring area, albeit nonmilitary in nature, may lead to separatist sentiment, ethnic and military conflict.”⁹⁸ Addressing the matter from a power perspective, it is necessary to identify externally projected security acts that modify intangible power of the targeted state. In the political sector, security is linked to the “organizational stability of states, systems of government, and the ideologies that give governments and states their legitimacy.”⁹⁹ The societal security sector concerns political threats made to the “organizational stability of a state but then by targeting the state’s society (identity).”¹⁰⁰ Therefore, it may be possible to pair them off as follows:

S = political sector

W = societal + political

Moreover, it is expected that Hobbesian soft power acts will target referent objects within the political and social security sectors to lower the value of the targeted state’s intangible power.

97 Ibid., 18-19.

98 Ibid., 167-8.

99 Ibid., 119.

100 Ibid., 141.

Although Cline's study is focused on power, and Buzan *et al.* focus on security, both recognize the pivotal role perceptions play in international relations. Buzan *et al.* note that the same system, looked upon by different sectoral experts will be viewed differently. The political realist's perception of a system and that of a societal sector analyst is different. The former looks at systems in terms that highlight sovereignty and power (thereby justifying restrictive assumptions such as the motivation of behaviors to the desire to maximize power). The latter looks at the same systems in terms of patterns of identity and the desire to maintain cultured independence.¹⁰¹ However, accepting Cline's approach to power analysis, this example shows that approaches of the aforementioned experts share important commonalities. They both consider the same system and recognize the import of intangible, soft power, to international security. The political realist views it as national Strategic Purpose and National Will. The societal analyst views it as national identity and cultured independence; the intricate parts of National Will and national Strategic Purpose respectively.

The weighted value awarded to the intangible components of power by Cline makes such a pairing particularly significant. In the case that the societal and political security sectors should coincide with Cline's intangible components of power, it will be possible to assert that these key national security sectors require extra attention from security experts. It will also show that long-term geostrategists must concentrate here. Thus, although Buzan *et al.* effectively explain the tangible security sectors (military, environmental and economic), their referent objects, and the actors therein, the focus here is on identifying how the political and social security sectors relate to intangible power. It is expected that by analyzing the political and societal sectors within the framework of intangible power, it will become clearer why the (Hobbesian) use of soft power may justify securitization from the state.

From the outset, it should be noted that the fundamental components of security in both these sectors are ideas. According to Joseph Nye, "people's decisions in the marketplace of ideas are often shaped by an intangible attraction that persuades them to go along with others' purposes without any explicit exchange of tangible threats or rewards taking place."¹⁰² However, it appears that some of the tactics used by states on the market of influencing ideas may fall outside the realm of legitimate state behavior.

¹⁰¹ Ibid., 8.

¹⁰² Nye, 2008:31.

1.2.1 Political Sector Security

The purpose of this section is to determine how political security is related to the intangible power of a state, particularly, the national Strategic Purpose. In the previous sections it was shown that for states to have an effective strategy, they require an effective ideology, government and a common purpose. It therefore appears that the value of national Strategic Purpose can be reduced by threats to the political sector. To determine the veracity of this proposition it is first necessary to ascertain what is meant by “political sector” and “political security”. Then, because we are searching for components of intangible/soft power, it is necessary to identify what can be targeted in the political sector and how.

Buzan *et al.* assert that since the political sector is composed of threats to state sovereignty, the “heart” of the political sector is sovereignty. However, because “all security is political” and “anything that can be portrayed as a violation of sovereignty can be presented as a security problem”, the specifics of the political sector are unclear.¹⁰³ Thus, it is worthwhile considering the meaning of sovereignty for a moment.

In 1648, the Treaty of Westphalia introduced state sovereignty (the exclusive self-right over a specified territory and its population) as foundations of the state and official cornerstone of international relations. From this definition, it is possible to deduce the three attributes of the state: 1) a specified territory; 2) a human population and; 3) an institutionalized exclusive authority (e.g. government) to preside over the aforementioned and decide upon the political form of the state. This exclusivity to govern precludes foreign interference. Importantly, *even if those in power are undemocratic*, “sovereignty can be claimed to be violated if the political form is suddenly to be decided or even decisively influenced from abroad”.¹⁰⁴ This having been said, the difference between the state and the government should be clear and the political sector easier to understand.

Both the political and military sectors belong to the traditional realm of security analysis. However, an important distinction must be made between the types of power used within these sectors. In the military sector, the threat to the state is one of hard, ‘muscle’ power. The effects of military operations are usually blatant and violent. Conversely, the power used to threaten the political security of states is softer and its effects are not immediately visible. Rather than using the power of “sticks and stones” belonging to the military sector, the power used in the political sector

¹⁰³ Buzan *et al.*, 1998:141.

¹⁰⁴ *Ibid.*, 152.

should be seen in terms of principles.¹⁰⁵ This difference in power categories often leads to the perception that states should fear military sector threats over political ones. However, at least on the state level, this perception is effectively rebuked by the political nature of the sovereign state. As a result, political threats to the state justifiably pose an equally severe threat as military ones.¹⁰⁶

Political security is about the organizational stability of states i.e. the systems of government and the ideologies that give governments, and states, their legitimacy.¹⁰⁷ Political sector threats are those which threaten the sovereignty and the organizational stability of the state and do *not* fall within the realm of the other, more tangible, security sectors. Although they may originate from (or be aimed at) the military, societal, economic, environmental and/or the political sectors, to be classified as political threats, they must threaten the organizational stability of the state without using massive military, identificational, economic, or environmental means.¹⁰⁸ Thus, moving away from a tangible power analysis of security and entering the realm of immaterial power and security, it is necessary to consider the intangible foundations of political institutions.

The Threat: what and how

Ideas are the building blocks of political institutions. They are multifold and the manner in which they present themselves in the material world varies significantly. For instance, ideas about the planets have resulted in a multi-trillion dollar air and space defense industry as well as Holst's symphonic creation "The Planets". Very different ideas about the same things lead to very different results. It has been established that political sector security threats target ideas and ideologies. But what does this mean exactly? And what is the nature of the idea which can be classified as a threat to the political sector?

Institutions and the ideas upon which they are built are the main constituting factors of political security. In 1991, Buzan asserted that political sector security threats are directed against the national identity, organizing ideology, and the institutions, which express the idea of the state.¹⁰⁹ Thus, to pose a threat to political security, a given action must have the power to influence (as de Meira Mattos

¹⁰⁵ Ibid., 160.

¹⁰⁶ Buzan, 1991:118 ff. See also Buzan et al., 1998:142.

¹⁰⁷ Buzan et al., 1998: 119.

¹⁰⁸ Ibid., 141.

¹⁰⁹ Buzan, 1991:118 ff.

asserted) the ideas or ideologies held within a state in a manner that endangers the legitimacy, or recognition, of either political units or their essential structures.¹¹⁰

Buzan *et al.* attempted to clarify the category of ideas that belong to the realm of political sector security analysis. Whereas, in 1991, Buzan admitted national identity ideas into the realm of political security, Buzan *et al.* identified three main categories of ideas that affect the organization of the state and belong to the political sector: civil-nationalist, ethno-nationalist and ideological ideas and asserted: "It is all a question of the ideas on which political institutions are built" and only institution-dependant ideas belong to the political sector.¹¹¹

Thus, it is clear that in the political sector, the structure of the government, the state's territorial integrity or right to autonomy are targeted through the subversion or denial of the legitimacy of the ideas upon which the state and/or its institutions are built.¹¹² And, it follows that a Hobbesian, international actor interested in deteriorating a given state's political security must organize human activity in such a way as to draw the legitimacy of the state and/or its institutions into question.

Yet, there is no clear-cut line between identity ideas influenced by state institutions and those that develop independently. It is up to the state to decide which identity ideas it promotes to realize its national and foreign strategies. Formal institutions of the state may promote identity ideas and values that should be independent of the state. This grey area is depicted well by the role of state intelligence services and their covert operations.

For instance, next to generating soft power through intelligence sharing and the establishment of long-term relationships with friendly foreign intelligence agencies, the CIA also gains control using ideas and values in another, less kosher, way. "...in the early stages of the Cold War, the Central Intelligence Agency covertly supported the budgets of cultural organizations such as the Congress for Cultural Freedom. Even at the time, there were misgivings. 'In its starkest terms, the problem was how to use intellectual freedom as propaganda without turning it into propaganda in the process. ... The political logic of this novel situation entailed the covert manipulation of liberal ideals and their proponents.'"¹¹³ Thus, a strict delineation between institution dependent and independent ideas appears superficial. Delineation between national identity ideas that are used to serve the state's

¹¹⁰ Buzan *et al.*, 1998: 144.

¹¹¹ *Ibid.*, 150.

¹¹² *Ibid.*

¹¹³ Nye, 2004: 115.

strategic interests and those that are superfluous to its strategies and survival at any given moment may be more accurate.

On an international level, a policy of calling the legitimacy of a third state - or its government - into question can spur insurgent war by convincing a given population of the need to rebel against their leaders and system, or convince a given population of the need for a preemptive or 'humanitarian' war (e.g. Iraq, Afghanistan, Libya). The applied tactics would aim at planting and nurturing the relevant ideas inside the minds of the targeted citizens. To promote insurgency, the relevant ideas would lead the targeted population to question the legitimacy of the state, its structures and their own subjugation to them. In turn, this foreseeably also divides the peoples and weakens their perceived common purpose.

Because of the nature of ideas, security responses to such political threats run the risk of limiting or even abusing human and civil rights. This is where the aforementioned political threats become interesting. The line between the freedoms of speech, expression and the press on the one hand, and the (ab)use thereof by states and international media on the other, remains fine. For instance, using the "ill-defined" war on terrorism (a pre-cursor to the destruction of Iraq, war in Afghanistan and pending tensions in Iran) as an example, Nye shows how the state can modify identificational ideas (*in casu*, "us" and "them" ideas):

In 2002, frustrated with American public diplomacy, the Pentagon developed plans for the Office of Strategic Influence, which would provide news items, possibly including false ones, to foreign media organizations in an effort to influence both friendly and unfriendly countries. After the plans were revealed in the press, Secretary of Defense Donald Rumsfeld had to quickly disavow the project. But the damage to American credibility and soft power had already been done."¹¹⁴

Another example of such manipulation is found in the United State's employment of the global public relations company Hill & Knowlton during the first Iraq war. In order to generate support for the war, the company manufactured a story that Iraqi soldiers were throwing Kuwaiti babies out of incubators. The public relations stunt prompted citizens to support the war. Moreover, "six senators cited the incubator story to justify their support for the war in a vote which was won by a margin of five."¹¹⁵ Ironically,

¹¹⁴ Nye, 2004: 117.

¹¹⁵ Miller K. S. (1999). *The Voice of Business: Hill Knowlton and Post War Public Relations*. The University of North Carolina Press, p 183.

Nayira al-Sabah, the lady who appeared across the world press as an eyewitness, is a member of the Kuwaiti royal family and daughter of Saud bin Nasir al-Sabah; the Kuwaiti Ambassador to the US at the time.¹¹⁶

The aforementioned examples show how culture and fear can be manipulated and affect the political security of a state. The ultimate objective of political threats is to call the following legitimacy and/or recognition of the targeted state into question:

- 1) The internal legitimacy of the political unit, which
relates primarily to ideologies and other constitutive
ideas and issues defining the state, and;
- 2) The external recognition of the state, its external legitimacy.¹¹⁷

Effective attacks on internal legitimacy negatively affect the external perception of the state and vice versa. Although by nature “soft” and intangible, threats to the political sector are real. They can originate from within the state, through some organized group, from the state, or from part of a third state’s foreign policy. However, there are important differences between political threats that materialize from within the state and those aimed against the political sector from abroad.

First, the vast majority of external threats come from strong states or organizations and may violate international law.¹¹⁸ Second, they aim at weakening the ethno-civic identity and state ideologies by manipulating the loyalties of the peoples. They do so by making propagating greater feeling of loyalty towards the policies of third states (or institutions) over those of their own. Third, external political threats depend on an (amicable) reception by one or more groups within the targeted state to whom the schism is of interest, through whom they are able to operationalise their strategies.

Thus, when a strong state chooses to threaten the political sector of a weaker state, it will have to rely upon established, favorable, minority relations or opposition forces (both of which are at times referred to as the fifth column) within the third state. Such relations may arise through NGO cooperation, partnership agreements, Friendship Treaties or other targeted covert intelligence operations. It is also noteworthy that growing skepticism towards governmental authority in postmodern societies has led governments to exert influence over people using private sector institutions, “...though they are difficult to control, they can be useful channels of

¹¹⁶ Ibid.

¹¹⁷ Buzan *et al.*, 1998: 144.

¹¹⁸ Ibid., 152.

communication".¹¹⁹ As a result, tracing the resulting political threat back to a third state's foreign policy will not always be easy.

Such claims may be justifiably brushed aside at times. Buzan *et al.* assert that weak states sometimes (erroneously) blame an outside great power for political destabilization when the destabilization is in fact a result of their own incapacity or irresponsible forms of governing.¹²⁰ The lack of a government's capacity to formulate and give effect to the national Strategic Purpose appears to be conducive to this sort of paranoia. It is easier to blame others for shortcomings than to take control of them. In the long-run, despite the difference in the nature of external and internal political threats their effects remain the same. The major schism-causing factors are differences in the interests held by the population, albeit ethnic, cultural or ideological.

Weak versus Strong State

Another correlation between political sector threats and intangible components of power is found in the difference between the Strategic Purpose of great powers and weaker states. The category to which a state belongs influences its international strategies. Cline asserted that strong states must design national strategies to influence international relations. As this pertains to political sector threats, it was shown that - in the majority of cases - political threats are devised by strong states to target weak ones. Secondary powers, or weak states, are unlikely to influence international relations by politically threatening strong states. They must strategize to rely on greater powers, albeit third states or associations of states. For this reason, to recognize political security threats and understand why they are used, knowledge of the interplay between global politics and regional security complexes is needed.

It was already noted above that the majority of inter-state political security threats occur between strong and weak states. This relevant to international security studies because it can be used to understand global and cross regional security dynamics. Buzan *et al.* assert that the distinction is important because it couples the degree of vulnerability of states to political threats to state power.

The vulnerability factor is related to the relative strength or weakness of the state. However the reasons Buzan *et al.* offer for the greater state's invulnerability (i.e. the strong state is not ethnically divided or open to secessionist action, its government is not divorced from the general opinions of its citizens nor dependent

¹¹⁹ Nye, 2004: 113.

¹²⁰ Buzan *et al.*, 1998:156.

upon suppressing views and information) are debatable. For instance, Canada, China and Russia are examples of strong but very different states, with either ethnic divisions, secessionist movements and/or governments who suppress human rights and freedoms. Their relative (and apparent) invulnerability to political sector threats may be related to their foreign and internal policy capability and securitization of the political sector more than the level of ethnic unity within the state.

Although the majority of political sector threats take place from strong states to the weak state, great power versus great power tactics aimed at political destabilization also occur. During the Cold War, the West generally did not question the recognition of the Soviet Union as a sovereign state in the international system. Nonetheless, it did aim at weakening its domestic legitimacy.¹²¹ The recent move of the Russian Federation to inject billions of dollars into soft power to promote its good image in the US and EU is another example. It shows how strong states spend money to promote themselves and their policies by influencing the ideas of the citizenry and governments of third states.

However, the political destabilization of weak states by great powers is more prevalent. Rather than directly destabilizing the political sector of another great power, the geopolitical power game is played out in weak states. The logic behind this is clear and, conversely, without backing from a distant great power or other form of international cooperation, weak states have little chance of singularly posing a political threat to strong ones.

Purpose and Form of Threat

It is necessary to consider how ideas and ideologies can be threatened politically. Political sector threats aim at weakening or destroying the organizational stability of the state. They do so by targeting those binding ideas and ideologies that add to the citizenry's sense of belonging and loyalty to their state. Their objectives range from pressuring governments to behave in a certain manner on policy matters to overthrowing governments or provoking separatism and preparation for war.¹²² The establishment of puppet regimes, separatism, annexation, and even the creation of new states (e.g. Taliban in Afghanistan *vis à vis* Pakistan up to 1998, arguably the Shah in Iran, Abkhazia, East Timor, Kosovo etc.) can be traced back to external pressures/support.

Nine forms of political sector threats have been identified by Buzan *et al.*:

¹²¹ Ibid., 150.

¹²² Buzan, 1991:118.

- 1) Intentional threats to (weak) states on the basis of their state/nation split in terms of the effects on the stability of state structures and the undermining of state-carrying national or state ideologies.
- 2) Intentional threats to (weak) states on political-ideological grounds.
- 3) Inadvertent, unit-based threats to state-nation vulnerable states. Unavoidable threats should be sorted into two groups. Accidental, one-time threats are not very interesting to us. Unavoidable, interlocking, inadvertent threats, however, happen when two or more states are locked into a security conflict because of incompatible organizing principles.
- 4) Unintentional threats to states on political-ideological grounds.
- 5) Security of and against supranational, regional integration.
- 6) Systemic, principled threats against states that are vulnerable because of a state-nation split.
- 7) Structural (systemic) threats to (weak) states on political-ideological grounds.
- 8) Threats to transnational movements that command supreme loyalty from their members.
- 9) Threats to international society, order and law.¹²³

The majority of the aforementioned threats occurs on an inter-state level in violation of state sovereignty and established codified and customary law. Of particular interest to this study are the threats listed under numbers 1, 2, 6 and 7 because they concern threats that are intentional, political-ideological, directed from strong state to weak state and focus on the state nation split.

Regardless if it is a state, international governmental organization, or the international system as a whole, the above list shows that political threats are directed against the political system, unifying principles, and ideologies. From the above, we also see that in the post-modernizing world, founding principles of regional and supranational organizations are targeted and (conversely) used to justify wars against “rogue” states. This notwithstanding, such policies often appear to go unpunished in the international realm.

123 Buzan *et al.*, 1998: 155-7.

1.2.2 Societal Sector Security

The purpose of this section is to determine how societal security is related to the intangible power of a state. Particularly, if and how it relates to the National Will. The nation is an aggregate of societal groupings within the state. It therefore seems probable that effective threats to the societal sector will reduce the value of the power component of National Will. However, to determine the veracity of this proposition it is first necessary to ascertain what constitutes the societal sector. Also, since security is being discussed from the perspective of intangible power (or soft power), it is necessary to identify what can be threatened in the societal sector and how.

The first sentence of Buzan's *et al.* chapter on societal sector security eloquently lures the reader into the concept of societal security. They note, "National security is the key concept for the entire area of security affairs, but, paradoxically, there has been little reflection on the nation as a security unit."¹²⁴ The nation plays a key role within the societal sector but it is not without reason that the sector is called the "societal sector" and not the "national sector". The concept of "nation" as used in reference to societal security must therefore be well understood.

It is apparent that the state and its borders do not strictly coincide with nations. Even if they did, within that "pure nation" one would find numerous social networks and societies. In the societal sector, it is not the nation *per se* which serves as the analytical focal point but rather, parts thereof, namely the societies from which the nation-state is composed. The organizing concept in the societal sector is identity.¹²⁵ It concerns identity ideas that drive members of a nation to form and participate in collective groupings within the state.

According to Buzan *et al.* despite objective factors of nationhood *beyond historical or contemporary ties*, such as language or location which impact national identity, it remains a political or personal choice to identify with a given community by adopting one or more of its traits.¹²⁶ Since it is a "choice" to participate in a given society, threats to the societal sector encompass activities which influence this decision-making process by manipulating the aforementioned pillars of nationhood. The main groups targeted by societal threats have been identified as those which carry the "loyalties and devotion of subjects in a form and to a degree that can create a socially powerful argument that their "we" is threatened", i.e. tribes, clans, nations,

¹²⁴ Ibid, 119.

¹²⁵ Ibid.

¹²⁶ Ibid, 120.

nation-like ethnic units (a.k.a. minorities, civilizations, religions, and race).¹²⁷ The battle over self-definitions takes place within these main referent objects. Moreover, it is because this battle is fought with identificational ideas and not “sticks and stones” that societal security appears to belong to the intangible theater of state power.

The Threat: what and how?

The objective of social security is to have societies with a strong “we” identity. This “we” identity must be constructed in a manner that benefits the state, and *vice versa*. Thus, in international relations, threats to the societal sector of a given state are designed to modify the construction of the societal identities to benefit the intervening state or organization. However, before such modification can be categorized as a national security threat, the rather illusive notion of identity and the concept of “we” must be perceived as existentially threatened.¹²⁸ This having been stated, exactly what such a threat must target remains unclear.

In the previous section, it was shown that one way Hobbesian and Lockean powers divide and rule foreign states is by destabilizing the political system of the state. They do so by attacking the institution dependent national identity ideas and ideologies that give the state form and strength. In the societal sector, the national identity ideas of import are (formally) institution independent ones. Namely, those ideas that make people join and participate in social groupings/societies without governmental interference i.e. language, cultural habits and religion.

Language, cultural habits and religion are not the only factors. The collective memory or historical ties play a major role in societal security. According to Wendt, the “collective memory” (which contains historical ties) not only “constitutes who a group is and how it relates to others”, but it is from “the virtue of such memories that groups acquire continuity and identity through time”, moreover, collective memories are “a resource for mobilizing collective action”.¹²⁹ Thus, the historical ties or collective memories that bind a nation (or societies) together strongly influence the decision of whether one participates in a given societal grouping or not.

It is important to grasp the concept of identity ideas based on historical ties as a “resource” that can be (and has been) “mobilized” by powers intent on influencing the societal “decision-making” process. The modification of history and history books serves as a good example of how this seemingly institution independent quality of national identity can be modified using state institutions. Thus, distinction between

¹²⁷ Ibid, 123.

¹²⁸ Ibid.

¹²⁹ Wendt A. (2004). *Social Theory of International Politics*, Cambridge: Cambridge University Press, p. 163.

institution dependent and independent identity matters remains problematic because even these cultural factors rely on government policies and infrastructure to reproduce.

Viewing this from the perspective of integration and globalization policies, Buzan *et al.* provide the following examples of how cultural habits, language and nationalism can be perceived as threatening to a society:

If national identity is tied to specific cultural habits, a homogenizing “global” culture, such as the U.S.- Western Coca-Cola (or, more recently, McDonalds) imperialism, will be threatening (e.g., Bhutan, Iran, Saudi Arabia). If language is central to national identity, the contemporary global victory of English combined with an increasing interpenetration of societies will be problematic (e.g., France). If a nation is built on the integration of a number of ethnic groups with mobilizable histories of distinct national lives, a general spread of nationalism and ideas of self-determination can be fatal (e.g., the Soviet Union, Yugoslavia, Czechoslovakia, The United Kingdom, India, Nigeria, South Africa).¹³⁰

Along the same line of thought, Nye brought forth the example of Jose Bové, a French sheep farmer, who destroyed a McDonald’s restaurant in his local region to resist the cultural impact of economic globalization and American power. Nye wisely notes it is easy to confuse the two and in turn use nationalism to resist both.¹³¹ This example of the French sheep farmer also shows how perceived threats to the components of the National Will (which fall within the societal security sector) provoke violence from citizens. It also illustrates that the manner in which cultural habits, language and nationalism can be used to promote Kantian-like regionalization and globalization policies does not differ much from the way they can be used to promote less pure, Hobbesian or Lockean, policies such as the promotion of conflict and separatism.

Effective strategies of this sort would result in the modification of perceptions within the group. A state or organization interested in gaining power over a given foreign territory must either integrate (i.e. globalization and regionalization policies) or create a schism (i.e. secessionist policies) by targeting the established “we” identity.

¹³⁰ Buzan *et al.*, 1998:124-5.

¹³¹ Nye, 2004:140.

In the first case, those that previously perceived one another in terms of “us” and “them” would be mobilized to perceive each other in terms of “we”. In the second, those that previously perceived one another in terms of “we” would be mobilized to perceive each other in terms of “us” and “them”. Which perception wins the “us” and “them” competition is the ultimate determinant of whether a security conflict arises.¹³² To result in conflict, one of the targeted groups must perceive its constructed identity as existentially threatened.

Examples have already been provided of how governments can use policies, institutions as well as private business channels and media to export “soft power” and promote their internal and foreign policies. Buzan *et al.* note that the media is an important actor contributing significantly to the definition of situations that pertain to identificational concepts within society.¹³³ In this regard, the principle of the freedom of the press in this regard can be a Pandora’s Box.

To many, the shaping of perceptions by media sources may seem generally benign. However, its power and government involvement should not be underestimated. The Berlin Wall, “pierced by television and movies” would not have fallen the way it did “without the years-long transmission of images of the popular culture of the West” and; despite restrictions and criminalization of Western medias in the Soviet Union, they nonetheless “made it through the filters” with indirect, direct, unintended and intended “devastating political effects”.¹³⁴

China is another example where, despite national legislation and criminalization, “American news seeps across the border” and “many believe that the recent trickle of Hollywood films into Chinese theatres, along with those illegal DVDs, has played a role in spurring yearnings for accelerated change among ordinary Chinese citizens.”¹³⁵ Although often operating under a soiled cloak of immunity, one should not overlook the role intelligence agencies play in influencing ideas of “national identity” and “we” perceptions particularly, when such exports of soft power transgress both national and/or international laws. In such instances, the common culture and interests are targeted:

Integration projects, whether democratic or imperial, that seek to shape a common culture to match the state may attempt to control some or all of the machineries of cultural reproduction (e.g.,

¹³² Buzan *et al.*, 1998:120.

¹³³ Ibid., 124

¹³⁴ Nye, 2004:49.

¹³⁵ Ibid. 51.

schools, churches, language rights). In more repressive instances, minorities may lose the ability to reproduce their cultures because the majority uses the state to structure educational, media, and other systems to favor the majority culture. Thus, some types of societal security issues are fought in the hearts and minds of individuals, whereas others are about more tangible matters that influence identity. In the first case, the threat is about conversion – people start to think of themselves as something else. In the second, political decisions will influence identity, such as using migration or political structures to compromise the reproduction of a culture that lacks control of the institutions required for cultural reproduction.¹³⁶

From the above excerpt, we see that in the societal sector, the battle over identity ideas is fought with identity directly as well as indirectly. The ultimate aim of societal sectoral threats is either a) the conversion of the referent object's perception of the self or; b) its elimination through the limitation or destruction of its culture's reproductive capacity.

When political decisions and infrastructure are used to promote or block reproduction of a given societal identity, albeit indirectly through migration or directly with education policies, the distinction between institution dependent and independent identity ideas fades. Nonetheless, since “society is about identity, the self-conception of communities and of individuals identifying themselves as members of a community”, the “key” to society in international security analysis is the identification of the ideas and practices that identify individuals as members of a social group.¹³⁷ Due to the manipulatable character of societal ideas and practices, it is important for state representatives, analysts and even citizens to be more aware of the channels of influence, who owns them and how they relate to international politics and (foreign) state or organizational strategies.

The Threat: purpose and form

Importantly, the perceptions members of a nation's society hold of themselves, their co-citizens and the world around them are changeable. States can influence them internally and externally. They may do so with Hobbesian, Lockean, or Kantian intentions. Lockean or Hobbesian actors use identity ideas and perceptions to

¹³⁶ Buzan *et al.*, 1998:122.

¹³⁷ *Ibid.*, 119.

integrate through the elimination of cultural reproductive capacity, create fear and promote schisms and ultimately conflict, insurgency and war.

Societal security issues are always, ultimately, about identity. However, the medium used is not necessarily identificational. Buzan *et al.* provide a number of key ways in which societal security can be affected:

- 1) Migration – X people are being overrun or diluted by influxes of Y people; the X community will not be what it used to be, because others will make up the population; X identity is being changed by a shift in the composition of the population (e.g., Chinese migration into Tibet, Russian migration into Estonia).
- 2) Horizontal competition – although it is still X people living here, they will change their ways because of the overriding cultural and linguistic influence from neighboring culture Y (e.g., Quebecois fears of Anglophone Canada and, more generally, Canadian fears of Americanization).
- 3) Vertical competition – people will stop seeing themselves as X, because there is either an integrating project (e.g. Yugoslavia, the EU) or a secessionist – “regionalist” project (e.g. Quebec, Catalonia, Kurdistan) that pulls them toward either wider or narrower identities. Whereas one of these projects is centripetal and the other centrifugal, they are both instances of vertical competition in the sense that the struggle is over how wide the circles should be drawn or rather – since there are always numerous concentric circles of identity- to which to give the main emphasis.¹³⁸

From the above, we see that both horizontal and vertical competitions are based on fears of identity loss. The major distinction between the two is that horizontal competition concerns fear of influence from a neighboring culture (albeit within the state or from a third state), vertical competition concerns fear that is the result of organized integrating projects. Horizontal competition can be found at both ends of the spectrum because of the spill over effect of these fears.

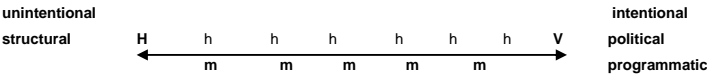
Threats from the state are typically vertical. Internally, it is in the state's general interest to construct (even using coercive means) loyalties oriented toward an identity that will serve the state rather than the other way around.¹³⁹ Such projects - albeit regionalist or secessionist - are organized to influence the identity of given groups within a given territory. To prevent the populace from fearing or revolting against globalization, regionalization or secessionism, the respective policies must influence identity structures without being (perceived) as existentially threatening to the common interests and ideas shared by the targeted populace.

¹³⁸ Ibid., 122.

¹³⁹ Ibid., 127.

External vertical threats are designed to do the opposite. Namely, Hobbesian and/or Lockean actors need to influence the loyalties within the population of a third state away from the state to which they belong. They need to provoke fear and revolt against the state to which they belong by projecting their common interests and ideas as threatened.

The nature of the fears driving horizontal competition is more complex. They may be the result of unintended effects caused by the “interplay between large, dynamic cultures on the one hand and small, anachronistic ones on the other” but also of intentional, strategic policies, as depicted by the “remaking of occupied enemies (e.g. the Americanization of Japan and Germany) and in the cultural aspects of contemporary trade policy”.¹⁴⁰ Whereas horizontal competition can occur intentionally or unintentionally, vertical competition is found at the intentional end of the spectrum.¹⁴¹ Thus, migration, horizontal and vertical competition can be placed on a sliding scale, or a spectrum running from unintended and structural (horizontal) at one end to intentional, programmatic and political (vertical) at the other.¹⁴²



H=horizontal competition, V = vertical competition and M = migration

Figure 4 Competition Spectrum

It is the intentional end of the spectrum which is of particular interest to this study. The focus is on identifying the soft power elements of national security which Hobbesian/Lockean states must target in order to promote vertical and horizontal competition inside weaker states within their geopolitical spheres of interest.

¹⁴⁰ Ibid., 121-122.

¹⁴¹ Ibid., 122, 125.

¹⁴² Ibid., 121.

1.2.3 Conclusion

Intangible power of the state is directly linked to its national security. When embarking to link national Strategic Purpose to political security it is useful to consider a short and accurate definition of politics provided by Buzan, "Politics is the shaping of human behavior for the purpose of governing large groups of people".¹⁴³ Already from this definition, commonalities between national Strategic Purpose and the political sector appear. Both are concerned with the organizational quality of the state and the shaping human behavior.

In the section on strategic national purpose, it was shown that the relationship between the state and the nation is pivotal to the intangible power of the state. The purpose of national strategy is threefold: 1) to protect the interests of the nation; 2) secure the political system, and; 3) provide an international angle through which the state will relate with others. Precisely these elements of state power are targeted by political security threats in to destabilize the state.

Whereas a strong Strategic Purpose aims at protecting and enhancing the nation's common purpose, political sector threats aim to distort it and divide the nation. The unity of the common purpose is weakened by operations that target the national interests pivotal to national strategy (beyond basic economic needs) i.e. ethnic/civic identity ideas and state ideologies. Threats to the political sector cast doubt on the internal legitimacy of the state and its institutions. On the international level, the Strategic Purpose should make the state a responsible and stronger player. For this reason, Hobbesian and Lockean policies aim at diminishing or eradicating the state's external recognition and legitimacy. The table below shows how Strategic Purpose interlinks with political security:

¹⁴³ Ibid., 142.

Category	Strategic Purpose/Political Security
Purpose	1) Protection of national interests 2) Security of governmental order 3) Paradigm for international relations
Physical base	Sovereignty: <ul style="list-style-type: none"> • Territory • Institutions • Formal membership
Constituent ideas	Institution dependent identity ideas <ul style="list-style-type: none"> • Civic-national • Ethno-national • Political ideology
Goal of existential threats	Subversion of legitimacy <ul style="list-style-type: none"> • Internal • External
Target of intentional threats	State/nation split in terms of effects on stability of state structures and undermining national/state ideology

Figure 5 Strategic Purpose and Political Security Interlinked

From the above, it is possible to conclude that the relationship between the value of the intangible component of state power Strategic Purpose (S) and the level of political security is proportional. Thus, the more security there is in the political sector, the higher the value of S will be and *vice versa*.

The nature of the political security threat is soft. It attacks national (identity) ideas and ideologies rather than the physical body, territory or other tangible elements of state power. Ideas and ideologies are the glue that binds the nation's common purpose to its organizational strength, structure and the strategic capability of the state. Threats to the political security of the state dilute the nation's cohesiveness and, in turn, state effectiveness.

Ideas and perceptions are the heart of the societal sector; particularly those that pertain to the self-conception of communities and individuals within the community.¹⁴⁴ The foundation of Cline's National Will is also identity and perception,

¹⁴⁴ Ibid., 119.

namely, how the people perceive themselves in relation to each other and, additionally, in relation to the world around them. From the perspective of national security, the societal sector appears closely related to the intangible component of state power; the National Will. However, Cline also recognized that identity perceptions that belong to the National Will are affected by the manner in which the populace is provided modes and procedures for acting upon these perceptions through their government.¹⁴⁵ Here, an important yet menacing distinction exists between the two.

Buzan *et al.* assert that the perceptions and identity ideas belonging to the societal sector are *independent* of institutions and that institution dependent ones belong to the political sector. Cline follows a similar logic insofar as he distinguishes between the National Will and the Strategic Purpose. Yet, he also recognizes the value played by government institutions in empowering the National Will. As a result, he includes the effective strength of national leadership and perceived relevance of national strategy to national interests. In doing so, attributes the necessity of the government structures to use identificational concepts to effectuate the common purpose. Thus the strict line between institution dependant ideas as belonging to the political sector and institution independent ones to the societal one as proposed by Buzan *et al.* which was already problematic, is not shared by Cline. Further, Buzan *et al.* distinguish between nations and societies. The distinction is not expressly made by Cline. He only refers to nations.

However, this does not seem to be a matter of great contention; as an important consensus exist between the two approaches. Both assert the value of common interests above and beyond individual and economic ones. Also, Buzan *et al.* claim that societal security is about the level of collective identities and actions taken to defend them. Similarly, Cline asserts the nation and its combined, shared interests make people join together in a nation and work toward a shared common purpose. In both cases it is necessary to consider the elements constituting collective identities and interests. These elements are found in the concept of nationhood.

In considering nationhood, Buzan *et al.* identify objective factors such as language, location, historical and contemporary ties as identificational factors that can be targeted in the societal sector. Cline's angle is slightly different. He identifies national integration as only one constituent category of the National Will. Yet, within this category, he identifies cultural uniformity (i.e. ethnicity, language and religion) as

¹⁴⁵ Cline, 145.

well as strength of territorial integration, and collective memory as its constituent factors.

Cline and Buzan *et al.* also agree that whether or not members of a populace identify with a particular community or nation remains a choice. This “choice” is important. Because, where there is ambiguity there is always room for policy to influence.¹⁴⁶ Buzan *et al.* address this explicitly and assert that the decision-making process can be influenced by emphasizing one or another trait of a given society.¹⁴⁷ In so doing, they create room for the use of state institutions to influence identity perceptions. Moreover, because effective threats to the societal sector will reduce the value of the power component of National Will and vice versa, the relationship between them is proportional.

Category	National Will/Societal Security
Purpose	Mobilization of common interests to ensure fullest utilization of tangible power
Physical base	Nationhood – common interests – “we” identities
Constituent ideas	Institution independent identity ideas <ul style="list-style-type: none"> • National identity • Self conception of communities • Self conception of individuals
Goal of existential threats	Conversion of perceptions of self or Elimination through limitation or destruction of cultural reproductive capacity
Targeted by intentional threats	Level or degree of national integration <ul style="list-style-type: none"> • Cultural -ethnic-linguistic-religious Level or degree of territorial integration Collective memory

Figure 6 National Will and Societal Security Interlinked

From the aforementioned, it is possible to conclude that the relationship between the political and societal sectors of state security on the one hand, and intangible state power on the other, is complimentary. Together, they encompass the most important components of state power and, hence, national security.

¹⁴⁶ Nye, 2004: 53.

¹⁴⁷ Buzan *et al.*, 1998: 120.

1.3 Conclusion Part One

The objective of this part was to determine what soft power is and identify the elements national security which must be targeted to promote insurgency with attraction. It was expected that a framework could be developed with which one could analyze the foreign policies of third states for the use of soft power as a security instrument.

To this end, Cline's formula of perceived power was used to identify the components of state power. It was shown that in calculating state power, the intangible elements national Strategic Purpose and National Will carry more value than the tangible components (i.e. critical mass, economic and military capability). This added value makes it possible to conclude that hostile powers intent on gaining geopolitical power would benefit from lowering the value of the targeted state's intangible power.

Soft power is found to be related to intangible power in a number of ways. Its currencies, i.e. values, culture, policies and institutions, are the main elements of intangible state power. Furthermore, intangible and soft power both use perceptions and ideas to attract the hearts and minds of a given population. The power of attraction can either promote the sense of loyalty, or shift it away from the state toward some other actor. As a result, a policy aimed at attracting members of a given population or policy makers to adopt certain values, cultural habits, policies and institutions is not restricted to pure intentions. The intentional shifting of loyalties away from the state toward a third actor simultaneously removes power from the targeted state and transfers it to the strategic soft power actor. This shift of power provides the third actor more influence over the population and (foreign) territory of the targeted state.

Nye's understanding of soft power and metaphor of the three-dimensional international power chessboard (military, economic and soft power) were presented. They show that the "pure" policies of attraction are bilateral, multilateral and public diplomacy. However, the interplay between the three forms of power makes soft power policies vulnerable to the influences of less pure policies of persuasion albeit inducement or coercion. Following the same logic as Cline and Nye, Buzan *et al.* also assert that security is not just the use of force, but an intersubjective politics. Furthermore, they recognize existential threats, albeit non-military in nature, may lead to separatism, ethnic conflict and war. Particular attention was paid to existential fears of socio-cultural penetration by a dynamic neighboring area.

Perceptions and ideas are affected by the currencies of soft power and the light in which they are presented. Foreign policies directed at influencing the loyalty of a given population to remove power from the state and thereby deteriorate its national security are bound to be illegitimate. Thus, it should not be assumed that the manners in which states or nations are attracted to the soft power currencies of third states or organizations are inherently pure. They may rely, albeit indirectly, on inducement or coercion. The fact that the power being used is “soft” should not divert attention from the damaging effects. It can cause to the targeted state’s national security.

Important structural commonalities exist between Cline’s intangible components of power and the constitutive elements of political and societal security sectors. At the core of both (S + W on the one hand and the political and societal sector on the other) lie perceptions and ideas. The perceptions of import are the ones people within a given state have of themselves in relation to each other, the world around them and of the modes and procedures their government provides to act upon these perceptions. The ideas are national identity ideas. They are either institution independent or dependent.

Most damaging to the National Will is the breakdown of the level of national and territorial integration, and perceptions of government policy efficacy in serving the common interests. The ultimate aim of societal sectoral threats twofold: the conversion of the referent object’s perception of the self, or; its elimination through the limitation or destruction of its culture’s reproductive capacity. The objective is achieved by attacking institution independent national identity ideas and the self-conception of individuals and communities. Ultimately these threats can lead to ethnic conflict or separatism, particularly when a result of intentional horizontal or vertical competition.

In the political sector, the ultimate threat aims to breakdown internal and/or external legitimacy of the state, by attacking sovereignty and state organization using institution dependent identity ideas (civic-national and ethno-national) and/or the political ideology. The strength of national Strategic Purpose also depends on state institutions, political ideology and the common purpose which is derived from the nation and its aggregate interests. Institutions and the ideas upon which they are built are the main constituting factors political security. The ideas and perceptions that matter to both the political sector and national Strategic Purpose relate to national identity, common interests, ideology, and the institutions, which express the idea of the state.

By combining the political and societal sector threats with the intangible components of perceived state power the objectives and targets of soft power threats are identified as follows:

Objective of existential soft power threat	<ul style="list-style-type: none"> - Conversion or elimination of perceptions through limitation or destruction of cultural reproductive capacity - Subversion of state legitimacy <ul style="list-style-type: none"> • Internal • External
Target	<ul style="list-style-type: none"> - Level or degree of national integration - State/nation split in terms of effects on stability of state structures and undermining national/state ideology

Figure 7 Soft Power Threats

Markedly, nationhood and national identity ideas are fundamental to both intangible power and the “intangible security” sectors. When considering nationhood, Buzan *et al.* identify language, location, religion, historical and contemporary ties as identificational factors that can be targeted in the societal sector. The same (relatively) institution independent identity ideas are also identified by Cline. However, he also includes ideas/perceptions pertaining to the strength of territorial integration (level of conviction that the territory inhabited by individual or group of individuals belongs to them), the effective strength of national leadership and perceived relevance of national strategy to national interests to the perceptions affecting the National Will.

These later two factors (strength of leadership and relevance of strategy) belong more to the political sector than to the societal one. The ideas upon which they are based generally tend to be more institution dependent than independent ones. An overlap exists between the national Strategic Purpose and the National Will on the one hand and the category of ideas that belong to the societal and political security sectors. Yet, the line between the two is not always clear and for the purpose at hand, this difference is unimportant. What is important is that Cline's formula coincides with, and compliments, the Copenhagen School's approach to international security studies as it pertains to intangible, of *soft power security*.

It is possible to conclude that perceptions derived from institution dependent and independent national identity ideas are the building blocks of both, intangible power as well as political and societal security. Moreover, the relationship between them is correlative and proportional: the higher the value is for S the more political security there is, the higher the value is for W the higher the level of societal security. Their structural commonalities permit the merger of intangible power with the two security sectors and facilitates the identification of the main components of soft power namely, institution dependent and independent identity ideas pertaining to the 1) Level of national integration a) ethnic b) linguistic c) religious d) territorial e) collective memory; 2) Strength of national leadership a) government policy capability b) state institutions c) level of social discipline; 3) Perceived relevance of national strategy a) common interest b) ideology.

The following diagram shows how the merger of intangible power with the societal and political sectors, which are built on the aforementioned ideas, constitutes the realm of *soft power security*.

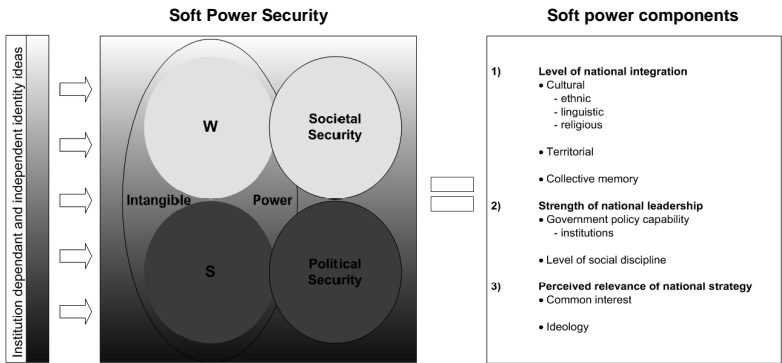


Figure 8 Soft Power Security

Thus, a workable model of *soft power security analysis* has been created by merging the intangible components of state power with the political and societal security sectors. The extra value allotted to intangible power in calculating perceived state power is indicative of the paramount import of *soft power security*. If successfully targeted by Hobbesian or Lockean third parties, the loss of soft power greatly deteriorates the perceived power of the state and its ability to utilize its tangible power components to the fullest.

Also paramount is the fact that vertical competition i.e. intentional, programmatic and political integrating/secessionist projects are carried out using soft power tactics. They are organized to influence the identity and loyalties of selected groups within a given territory. The Hobbesian/Lockean soft power actor uses institution dependent and independent identity ideas to attract and shift loyalties toward itself and gain geopolitical power.

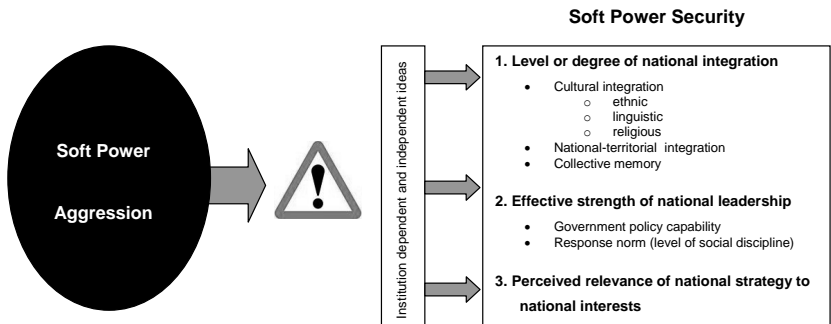


Figure 9 Soft Power Aggression

Importantly, the power of persuasion also lies in the ability of the power seeker to project his/her objectives as legitimate. When states use soft power for Lockean or Hobbesian purposes, such as the promotion of secessionism in third states, the legitimacy of such policies, and their currencies, become questionable. It is foreseeable that in such cases there would be a closer interplay between the soft power and less pure policies of persuasion, albeit inducement through bribes or coercion. After all, "corruption is an essential component of power relations and cannot be separated from power."¹⁴⁸ Thus, the Hobbesian state's behavior may not only be illegitimate, it may be criminal.

It is therefore interesting to consider the relationship between the state and organized crime and to determine if political-criminal relations really do belong to the state's arsenal of foreign policy instruments.

¹⁴⁸ Schulte-Bockholt, 35.

PART TWO: POLITICALLY ORGANIZED TRANSNATIONAL CRIME

Behind the ostensible government sits enthroned an invisible government owing no allegiance and acknowledging no responsibility to the people. To destroy this invisible government, to befall the unholy alliance between corrupt business and corrupt politics is the first task of the statesmanship of the day.

- Theodore Roosevelt, April 19, 1906

2. Introduction

There appears to be a disturbingly dichotomous quality to transnational organized crime. Whereas it is the root of national and international insecurity, states can also use it to realize their political and geopolitical objectives. On the national level, much research already exists on organized crime and, to a lesser degree, political-criminal relations. However, little information is available on how states benefit from transnational organized crime and political-criminal relations in international relations.

The purpose of this part is to determine whether transnational organized crime belongs to the state arsenal and to ascertain the nature and role of the political-criminal nexus in inter-state relations. It is anticipated that states rely on illicit products and revenues to support illegitimate geopolitical pursuits, particularly as they pertain to war and state-making. In the case that transnational organized crime does belong to the toolbox of foreign policy instruments, it is foreseeable that Hobbesian/Lockean foreign policies use it to target the military, economic, and soft power security of third states.

What is more, such an organized political-criminal relationship may even constitute an internal social structure which lends itself to state identity. In fact, it is expected to constitute the “dark side” of state identity which keeps up the warring status quo. The purpose of the following chapters is to ascertain the validity of the aforementioned hypotheses by taking the following steps.

First, to understand how and why states may use transnational organized crime, it is necessary to know what it is and what it means to international security. The best place to start in this regard is by considering the formal perspective of the international community and the manner the United Nations has defined it in the 2001 UN Palermo Convention against Transnational Organized Crime.

Second, since the dominant perception of transnational organized crime is as an activity separated from the state, it is necessary seek out historical binds and theories that link state behavior to organized crime. The works of scholars including

Max Weber's concept of the state monopoly over the use of force, Horkheimer's state racket theory and Tilly's analysis of state making will be used to determine how transnational organized crime is connected to state power. This chapter provides a historical background to the political-criminal relationship and an introduction to how the relationship has influenced the identity of certain states.

Third, since the query at hand pertains to the pursuit of geopolitical power, it is necessary to determine whether formal (upperworld) and informal (underworld) structures affect each other's spheres of influence; particularly their power over territory. To this end, the stage evolutionary model of organized crime is used. This model appears to be a useful instrument. It presents the political-criminal relationship as dynamic and its actors influence each other's spheres of power. To date, this theory has only been applied to internal political-criminal relations. Here, it will be expanded upon and extrapolated to the international realm. This move is expected to facilitate the understanding of how states use transnational organized crime in international relations. It is also expected to be pivotal to the profiling of the character of political-criminal relations of any given state.

Fourth, it must be determined whether the political-criminal nexus is a structural part of state identity. When considering the formation of state identity, constructivists argue, "Structures affect behavior and the very definition of identity and interests of states".¹⁴⁹ Thus, a theoretical instrument is needed that shows political-criminal relations constitute a social structure within the state. To this end, the social network approach to political-criminal relations will be adopted. It is expected to show that the character of political-criminal nexuses is state-specific; determined by actor motivations as well as cultural and structural causes.

Fifth, it is interesting to consider how the political-criminal nexus serves state interests in international relations. In this chapter, the interface between political-criminal relations and geopolitics is considered. Also, the question if political-criminal actions are ideologically driven is also asked. This section is expected to shed light on how the political-criminal nexus influences international relations and the manner in which states perceive one another. Special attention is given here to the role of state security agencies.

Finally, if it will be possible to conclude that the political-criminal nexus is a dynamic, social structure and foreign policy instrument, it should be possible to profile the political-criminal nexus of any given state. To test this assertion, the

149 Wendt A. (1995). Constructing International Politics, in *International Security*, vol. 20, No.1. (Summer, 1995), pp.72-73. See also Guzzini S. (2002). Constructivism and the role of institutions in international relations, in COPRI working papers 38/2002. p 8.

aforementioned theoretical constructs will be used to profile of the character of Russia's post-Soviet political-criminal nexus.

2.1 Transnational Organized Crime

If 'Thou shalt not covet' and 'Thou shalt not steal' were not commandments of Heaven, they must be made inviolable precepts in every society before it can be civilized or made free.

J.Adams, "A Defense of the American Constitutions," 1787

The Copenhagen school of security studies asserts that the 'securitizing speech act', calling something a national security threat, permits the state to resort to exceptional measures which lie outside of the regular political process to deal with it.¹⁵⁰ It is there, behind the national security veil, that a system appears to exist which deviates from publicly legitimized principles, laws and values. However, little attention has been given to transnational organized crime as a part of the state structure that can be employed for its defense or pursuit of its security interests.¹⁵¹

Although transnational organized crime is as old as human civilization, it was only in the 1970's that critical international relations theorists began to argue that the process of globalization would set free enormous conflict potentials resulting in global crisis; manifest in intra- or international conflicts, personal violence, crime, organized crime and global anomie.¹⁵² Yet, if *nomen est omen* holds true in the security sector, and something becomes a security issue by being named one, then the ancient practice of transnational organized crime became an international security issue when the Cold War ended.

It was in 1989, while the Iran Contra scandal was slowly subsiding under the dust in America, that political and economic transformation in East Germany and the Soviet Union caused a rapid growth of transnational organized crime in Europe.¹⁵³ According to Volker Foertsch, the former First Director of Germany's Federal Intelligence Service, the Bundesnachrichtendienst (BND), the KGB in East Berlin and the Ministry for State Security were known for either supporting or sanctioning the trafficking of nonferrous metals, cigarettes and embargoed goods by Berlin underworld bosses. Thus, illegal trade and cooperation between the communist services and foreign criminal groups was not a new phenomenon. The organized

150 Buzan *et al.*, 1998: 26. See also Guzzini, 5.

151 Naylor R. T., (1993). The Insurgent Economy: Black market operations of guerrilla organizations in Crime, Law and Social Change, issue 20: 13-51. p 22.

152 Schulte-Bockholt, p 20.

153 Foertsch V. (1999). The Role of Counter Intelligence in Countering Transnational Organized Crime, in Trends in Organized Crime, Winter 1999. p 123.

criminal trade was an established practice where “the leadership of the Western Group of Troops, with the assistance of Russian criminal groups, hawked goods that were allegedly earmarked to supply the Western Group and exempt from customs and German taxes”.¹⁵⁴

However, what was new was the largest peacetime military withdrawal in history: the pullout of the Soviet Army’s Western Guard from Eastern Germany. With over 300,000 men, it was the Soviet military’s largest foreign presence. The Soviets were given almost 8 billion German marks for the relocation of their forces and construction of 36 thousand apartments on Soviet territory in Europe, (Belarus, Ukraine and parts of Russia).¹⁵⁵ According to Foertsch, the manner in which these funds were appropriated and used was almost as scandalous as what had been occurring on the ground in East Berlin. The withdrawal affected the criminal trade, particularly the trafficking of Red Army weapon’s systems. And, although a number of suspects, including the commander of the Soviet Western Guard, General Burlakov, were investigated, the cases against them were all suspended.¹⁵⁶

In 1989, the Sicilian Mafia, its “American offspring” and its “Colombian partners” were already present in East Germany and much of Eastern Europe. Yet, that year the Communist-Soviet mafia was freed. According to the politically influential criminologist and author, Claire Sterling, this was when “the last borders went down for the international underworld – well over a year ahead of the European Community’s borders, rendering most of its strategy for defense obsolete”.¹⁵⁷ For the rest of the 1990’s the international community turned its focus to the international effects of transnational organized crime as a global security threat.

In June 1990, former German Chancellor Helmut Kohl requested that the Prime Ministers of the European Community make time at the Dublin Summit to consider the international threat of organized crime.¹⁵⁸ In the autumn of 1993, the Head of Italy’s Parliamentary Anti-Mafia Commission pronounced Russia the new world capital of organized crime.¹⁵⁹ In the autumn of 1995, President Clinton called on the United Nations for global cooperation against transnational organized

154 Foertsch, 130. ⁻¹³¹ (citing Herschel Leibernann, Simon Goldenberg and an organization named “Commercial Coordination” as an example).

155 Dubinin Y. V. (Дубинин Ю. В.), (2005). Diplomatic Marathon (Дипломатический Марафон), Москва (Moscow): Авиарус-21. p 8. (Dubinin notes that in the long run and after much political hardball Russia received most of the total amount).

156 Ibid.

157 Sterling C. (1994). Thieves World: The Threat of the New Global Network of Organized Crime, New York: Simon and Schuster. p 51.

158 Ibid, 49-50.

159 Ibid 17.

crime.¹⁶⁰ The following year, the U.S. National Security Strategy declared international organized crime to be a national security issue.¹⁶¹ In 1996, The Brown/Rudman Commission on “the Roles and Capabilities of the United States Intelligence Community” dedicated an entire chapter to the discussion of this global security threat.¹⁶²

Politicians, criminologists and jurists in the US, EU and UN recognized the destabilizing power of transnational organized crime. Then in 2001, a decade after the Soviet Union collapsed, the international community met in Palermo, Sicily, the seat of the Italian mafia, to create the first UN Treaty against Transnational Organized Crime.

2.1.1 United Nations Convention against Transnational Organized Crime

What is transnational organized crime? The international community pondered this question for many decades. In fact, the First Congress on the Prevention of Crime and the Treatment of Offenders was held at Geneva in 1955.¹⁶³ Thirty years later, the Seventh Congress met in Milan and codified the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order (The Milan Principles).

It is of paramount importance to national security studies to note that the Milan Principles opened up a new perspective on transnational organized crime. Having addressed conventional “civilian” organized criminal behavior, the United Nations linked state behavior to transnational organized crime. It identified “common features, evident in many forms of commercial, economic and technological crime” to include “...acts of institutional violence ... as well as *institutional collective or individual state actions* aimed at severely damaging the economy of, or causing widespread social disruption in other countries”.¹⁶⁴ This reference is pivotal for two main reasons because it links transnational organized crime to a) state behavior and b) to the societal sector of national security.

160 Lupsha P.A. (1996). Transnational Organized Crime versus the Nation-State, in *Transnational Organized Crime*, vol. 2, No. 1, Spring 1996. p 21.

161 National Security Strategy of the United States (1996). *Enlargement and Engagement*, GPO posted February, Washington, DC. p 25. See also Lupsha, 21.

162 Lupsha, 21.

163 Guiding Principles for Crime Prevention and Criminal justice in the Context of Development and a new international economic order from the Seventh United National Congress on the Prevention of Crime and the Treatment of Offenders A/CONF.121/19 Milan, Italy, 26 August to 6 September 1985 pp 3-4.

164 Ibid., 4 (*Italics added*).

Recognizing the effects organized crime has on development and state security, the United Nations urged states to control and abstain from activities which are likely to harm the economic, social, cultural and political development of other countries.¹⁶⁵ To this end, they drafted Principle 5 of the Milan Principles. This principle extends the fight against transnational organized crime to include non-conventional and economic crimes.¹⁶⁶ Both are identified as “dangerous to the development process, in which *official and non-official institutions, organizations of various sorts and individuals* may be directly and indirectly involved”.¹⁶⁷

Importantly, it was the international community’s “deep concern of the negative economic and social implications related to organized criminal activities” which was the driving force behind the creation of an international treaty against transnational organized crime.¹⁶⁸ This conviction of the urgent need to develop a convention resulted in the 55th UN General Assembly adoption of the 2001 United Nations Convention against Transnational Organized Crime (Palermo Treaty).¹⁶⁹ The treaty entered into force on 29 September 2003, 90 days after Armenia became the 40th state to deposit an instrument of ratification.¹⁷⁰

The United Nations Convention against Transnational Organized Crime codifies rules of international cooperation on technical matters such as: prosecution, adjudication and sanctions; confiscation and seizure of property; extradition; legal assistance; investigative techniques; witness and victim protection; law enforcement cooperation; information on the nature of organized crime; training and technical assistance, and; prevention. The international struggle for peace through principled moral order also led to the development of three protocols to the Convention: The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;¹⁷¹ the Protocol against the Smuggling of Migrants by Land, Sea and Air¹⁷²; and the Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition.¹⁷³

165 Ibid., 11 (Italics added).

166 Ibid., 12 (Italics added).

167 Ibid.

168 United Nations GA/RES/55/25 adopting the Convention against Transnational Organized Crime 8 January 2001 see also Article 1, UN Convention against Transnational Organized Crime, Palermo 2001.

169 United Nations GA/RES/53/111 on Transnational Organized Crime 20 January 1999.

170 This is in accordance with Article 38 UN Convention against Transnational Organized Crime, Palermo 2001. To date, the status of the Convention is 147 signatories and 159 parties including all of the post-Soviet states in the Black Sea Region.

171 (117 signatories 143 ratifications including all NISBSR states).

172 (112 signatories and 127 ratifications, including all NISBSR states).

173 (52 signatures and 83 ratifications; Moldova is the only NISBSR party to this protocol).

It is important to note the low ratification numbers to the protocols (particularly the protocol against the Illicit Manufacturing and Trafficking in Firearms their Parts and Components and Ammunition, to which only 77 of 192 UN states are a party to at this time). They are indicative of the interplay between states, foreign policies and transnational organized crime.

The Scope of the Convention (Article 3)

The aim of the United Nations Convention against Transnational Organized Crime is to prevent, investigate and prosecute transnational and national organized crime. It must be noted that the Palermo Treaty is not applicable to transnational organized crimes of a purely political or social nature. The crimes must be committed for the purpose of gaining material benefit. It appears that by including this stipulation in the Travaux Préparatoires states wished to separate the concepts of transnational organized crime and geopolitics. However, transnational organized crimes are rarely purely political or social. Moreover, the UN encourages states to interpret the term “material benefit” broadly.

The issues of import to this study are the activities the United Nations has established as an offence or serious crime. The scope of the convention is established in the first paragraph of Article 3:

1. This Convention shall apply, except as otherwise stated herein, to the prevention, investigation and prosecution of:
 - (a) The offences established in accordance with **articles 5, 6, 8 and 23** of this Convention; and
 - (b) **Serious crime** as defined in article 2 of this Convention; where the offence is transnational in nature and involves an organized criminal group.¹⁷⁴

Participation in a Criminal Group (Article 5)

An organized criminal group (Art. 2 (a)) is distinct from “participation in a criminal group” (Article 5(1)). The international community provides states with two forms of ‘participation’ to choose from and they are at liberty to decide whether to criminalize one or both forms.¹⁷⁵ Both definitions of participation constitute an international

¹⁷⁴ Article 3 (1) United Nations Convention against Transnational Organized Crime, Palermo 2001.

¹⁷⁵ Article 5 (1) sub. (a) United Nations Convention Against Transnational Organized Crime 8 January 2001.

criminal offence within the scope of the Palermo Treaty. States are bound to criminalize the acts of the accomplice: organizing, directing, aiding, abetting, facilitating or counseling the commission of serious crime involving an organized criminal group.¹⁷⁶ The “knowledge”, “intent”, “aim”, “purpose” or “agreement” of the person may be inferred from objective factual circumstances.¹⁷⁷ It is important for states to note that the actual “participation in a criminal group” is an offence distinct from the actual attempt or completion of a crime.¹⁷⁸ Both forms of participation are considered below.

Participation in a Criminal Group – 2 or more participants

Whereas an organized criminal group is made up of three or more persons, participation in a criminal group (Article 5) requires a minimal of only two participants. Two or more persons need to agree to commit a crime which carries a penalty of 4 years (or more) of liberty deprivation for each of them to be considered as participants in a criminal group. The individuals partaking in the criminal group must be doing it for some sort of material benefit. Here the same meaning is given to “financial or other material benefit” as given in the definition of “organized criminal group” and may therefore be interpreted broadly.¹⁷⁹

Participation in a Criminal Group – 1 person aware and active

In the second form of “participation in a criminal group” the accent lies on the conduct and awareness of a single person.¹⁸⁰ The person must be aware of both the aim and general criminal activity of an organized criminal group, or of its intent to commit serious crimes, and, with this knowledge, actively participate in the group’s activities. Unlike in the first form of participation, no mention is made here of the aim of the perpetrator to achieve some sort of financial or material benefit. The activities of the person participating in an organized criminal group as provided in the second form may be criminal or simply of the kind that contribute to the attainment of the criminal aim. Importantly, the fact that a perpetrated act is not a crime in itself is irrelevant, as long as it contributes to the realization of a criminal aim, the commission of a serious crime.

176 Article 5 (1) sub. (b) United Nations Convention Against Transnational Organized Crime 8 January 2001.

177 Article 5 (2) United Nations Convention Against Transnational Organized Crime 8 January 2001.

178 Article 5 (1) sub. (a) United Nations Convention Against Transnational Organized Crime 8 January 2001.

179 Travaux Préparatoires of the Negotiations for the Elaboration of the United Nations Convention against Transnational Organized Crime and the Protocols thereto UN Office on Drugs and Crime NY 2006 p. 12, footnote 16, p. 14 footnote 22.

180 Article 5 (1) (ii) United Nations Convention Against Transnational Organized Crime 8 January 2001.

Laundering the Proceeds of Crime (Article 6)

If corruption “provides the air that organized crime needs for survival” then laundering the proceeds of crime is its heart.¹⁸¹ Without the possibility of legitimizing material wealth gained through organized criminal activity, the incentives to participate in organized crime wanes. Moreover, of the main reasons criminal organizations, states and socioeconomic elites cooperate is to profit share, or launder money.¹⁸² Laundering the proceeds of crime represents an important dimension of international criminal behavior. This is perhaps most importantly pertains to global financial institutions, multinational corporations and international banks.¹⁸³ According to some scholars, “global organized crime is part of a “financial-industrial complex”, a global society where one sees “the corporate capitalism of McDonalds, Starbucks, and Microsoft, as well as the illegitimate non-ideological criminal enterprises that launder drug money and supply arms to corrupt states”.¹⁸⁴

Experts agree that the “underground economy – where economic activity evades scrutiny, regulation and taxation by the state” is what makes it possible for transnational criminal groups to threaten the existence of the state system.”¹⁸⁵ If money laundering is the lifeline of organized criminal groups, it may also be that underground economy is used by states to fund illegal trade, illegitimate operations such as separatism and war around the world.

In the early 1990s, the Peruvian “cash starved military” allied itself with drug traffickers to finance the civil war against the Maoist Sendero Luminoso rebels. It is been estimated that Peru earned approximately \$500 million USD from its involvement in the cocaine economy in 1993.¹⁸⁶ Naylor cites Lebanese forces as an example of how by laundering the proceeds of crime, organized criminal groups and state structures create a parallel political economy which can reproduce almost all of the functions of a formal state.¹⁸⁷

Money laundering, and its equivalent, the laundering the proceeds of crime, is subject to mandatory criminalization within the national criminal codes of all states party to the Palermo Treaty.¹⁸⁸ The constitutive elements of money laundering are

181 Lupsha, 24.

182 Schulte-Bockholt, 9.

183 Ibid., 198.

184 Rosner L. (2000). *Cracking Pandora's Box: The Soviet Breakup and the Onset of Buccaneer Capitalism*, in *Trends in Organized Crime*. Vol. 6, No.2, Winter, Springer Publishers. p 145.

185 Naylor, 14.

186 Schulte-Bockholt, 34.

187 Naylor, 17.

188 Article 6 (1) United Nations Convention Against Transnational Organized Crime 8 January 2001.

knowledge, intent and purpose. Each of these three factors may be inferred from the objective factual circumstances of each case.¹⁸⁹ The concealment or disguise of the proceeds of crime, in all its forms, is to be criminalized, as is the acquisition, possession, or use of property that is the proceeds of crime.¹⁹⁰

Article 6 (1) (a) defines two main forms of money laundering namely, the conversion or transfer of property to conceal or disguise illicit origins, and, conversion or transfer of property to help any person. The difference between the two lies mostly in the difference in motive. In one, the motive is to make illicit property look legal and in the other, the motive is to help a person who committed the profit bearing predicate crime.

Conversion or Transfer of Property to Conceal or Disguise Illicit Origins

Knowingly and intentionally converting or transferring of any kind of property (corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to, or interest in such assets) is to be criminalized when it is the proceeds of crime.¹⁹¹ The illegal nature of this form of money laundering lies in the knowledge that the property is derived from or obtained, directly or indirectly, through the commission of an offence and the intent to disguise or conceal the property's illicit origin.¹⁹²

Conversion or Transfer of Property to Help any Person

In this form of money laundering, the conversion or transfer of any kind of asset is criminalized when it is done for the purpose of helping *any* person involved in the commission of any predicate offence from which proceeds have been generated. The term "any person" implies the person can be a natural, legal or official one. The predicate offences from which the property is derived may have been committed within or outside the jurisdiction of the State Party in question.¹⁹³ Importantly, offences committed outside the jurisdiction of the State implementing or applying this article constitute predicate offences only when the relevant conduct is a criminal offence under the domestic law of the State where it is committed as well as under the domestic law of the State Party implementing or applying this article.

189 Article 6 (2) (f) United Nations Convention Against Transnational Organized Crime 8 January 2001.

190 Article 6 (1) (a) (ii) and Article 6 (2) (b) (ii) United Nations Convention Against Transnational Organized Crime 8 January 2001.

191 Article 2 (d) United Nations Convention Against Transnational Organized Crime 8 January 2001. Also

Article 2 (e) of the Palermo Treaty stipulates, are "Proceeds of crime" shall mean any property derived from or obtained, directly or indirectly, through the commission of an offence;

192 Article 6 (1) a cj. Article 2 (e) United Nations Convention Against Transnational Organized Crime 8 January 2001.

193 Article 6 (2) (c) United Nations Convention Against Transnational Organized Crime 8 January 2001.

Corruption (Article 8)

The international community, trying to gain control over corruption worldwide, identified three individual levels of corruption that distort upperworld processes. The bribing of officials, the solicitation and acceptance of a bribe by officials, the bribing, soliciting or accepting of an undue advantage of/by a foreign public official or international civil servant and being an accomplice to the acts of corruption are all internationally criminal offences. Article 8 (1) of the Palermo Treaty criminalizes both the bribery of a public official, and a public official's solicitation or acceptance of a bribe.

However, the definition of corruption as "the abuse of a public position of trust for private gain" is argued not to take into consideration endemically corrupt state societies, resulting from an absence of public and democratic control.¹⁹⁴ It is claimed that in such contexts, "Corruption refers to a specific manifestation and management of power, an essential component of power relations that cannot be separated from power, 'a tool in the hands of the powerful'".¹⁹⁵ Importantly, the Iran Contra scandal has shown that there is no need to limit this claim to states without so-called functioning public and democratic control.

The criminalization of corruption is a principle in the fight against transnational organized crime and all states agreed to its mandatory criminalization. However, it is here, where the rule of law is often lacking due to the lack of political will. It is here that organized criminal organizations develop symbiotic relationships with the state and its authorities, and, it is here where the system fails. Corruption "provides the air that organized crime needs for survival."¹⁹⁶ Corruption, how it is done and at which levels, can say a lot about a state. This is exemplified in the difficulties experienced by the United Nations in finalizing the world's first binding anti-corruption treaty. States such as China, Russia, Algeria, Pakistan, Egypt and Zimbabwe do not wish to cede to control mechanisms envisaged by the treaty.

Bribing an official

All state Parties are to prohibit and penalize the bribing of officials. A legal or natural person may not promise, offer or give an undue advantage to a public official with the purpose of influencing the exercise of his official duties.¹⁹⁷ All states are under legal

194 Girling, J. (1997). *Corruption, Capitalism and Democracy*. London: Routledge, p. vii-viii. see also Schulte-Bockholt, p. 12.

195 Ibid.

196 Lupsha, 24. See also Schulte-Bockholt, 12.

197 Article 8 (1) (a) United Nations Convention Against Transnational Organized Crime 8 January 2001

obligation to criminalize such behavior, even when the official is not the benefactor of the undue advantage, but another person or legal entity.¹⁹⁸ However, what constitutes an “undue advantage” is not specified. Therefore, it is possible to conclude that the same threshold applies here as it does for the interpretation of “material benefit”. Thus, the advantage may be material or immaterial in nature.

Soliciting or Accepting a Bribe

All state Parties are to prohibit and penalize the solicitation and acceptance of a bribe by officials. The intention of the perpetrator here is to negotiate an undue advantage for acting or refraining from acting in accordance with his official duties. The undue advantage may be material or immaterial in nature and the official does not have to be its recipient. The international community has bound legal entities like companies and banks to the scope of this article as well.¹⁹⁹

Corruption involving a foreign public official or international civil servant

Perhaps indicative of where the real problems lie in international relations, states party to the UN Convention against Transnational Organized Crime are not legally obliged to criminalize the bribing, solicitation or acceptance of an undue advantage of/by a foreign public official or international civil servant. For the purposes of this Article, ‘public official’ means a public official or a person who provides a public service as defined in his domestic law.²⁰⁰ Thus, when a foreign public servant or international civil servant uses bribery to promote the interests of his/her state or organization, the Palermo Treaty does not have the power to make it an international crime. States are, however, strongly encouraged to consider the criminalization of such acts.

It is conceivable that a state or state agency can qualify as an “entity” in the meaning of Article 8. In such cases, the line between corruption, organized criminal activity and ‘high-level diplomacy’ fades. An example of this murky area of law and corruption-politics can be found in use of American Airlines (the CIA Airline), in Vietnam. “Air America regularly transported bundles of opium from airstrips in Laos, Cambodia, and Burma to Saigon and Hong Kong”.²⁰¹ U.S. law did not permit the CIA or any of its agents to engage in the smuggling of opium but, “. . . so long as the Meo

198 Ibid.

199 Article 10, United Nations Convention Against Transnational Organized Crime 8 January 2001.

200 Article 8 (4), United Nations Convention Against Transnational Organized Crime 8 January 2001.

201 Chambliss W. J. (1989). State-Organized Crime – The American Society of Criminology, 1988 Presidential Address. In *Criminology*, 27:183-208.

leadership could keep their wards in the boondocks fighting and dying in the name of, for those unfortunates anyway, some nebulous cause . . . the Meo leadership [was paid off] in the form of a carte-blanche to exploit U.S.-supplied airplanes and communication gear to the end of greatly strengthening the opium operations..."²⁰² This situation paints an ironic picture of simultaneous hegemony through dominance and ideology. And, it points to the fact that, the money earned by these drug deals notwithstanding, that governments are willing and able to provide an undue advantage to actors willing to support their internal and foreign policies.

Accomplice to corruption

Article 8 (3) directs states to criminalize the participation as an accomplice to the acts of corruption as they have been codified in Article 8 (1) of the Palermo Treaty.

Obstruction of Justice (Article 23)

The offer often made by criminals between silver (accepting an undue advantage) and lead (being shot for not cooperating) is mandatorily criminalized in the first paragraph of Article 23. Both, the pledging, offering or awarding of an undue advantage (the silver), and, the intimidation, use or threat of physical force (the lead), are to be established as crimes.²⁰³ This includes inducing false testimony, interfering with the giving of testimony or the production of evidence also obstructs justice criminally.²⁰⁴ The threat or use of physical force, against a justice or law enforcement official must also be criminalized.²⁰⁵ However, the criminalization of the aforementioned acts is only obligatory in so far they relate to offences within the scope of convention.

2.1.2 Conclusion

The fall of the Berlin wall and collapse of the Soviet Union caused a flux in the international criminal world. It also prompted the international community to identify Transnational Organized Crime as an international security threat. The United Nations recognize the destabilizing power of transnational organized crime and the threat it poses to weaker nations by creating great social, economic and political

²⁰² Ibid.

²⁰³ Article 23 (a) United Nations Convention Against Transnational Organized Crime 8 January 2001.

See also: Travaux Préparatoires, p.216.

²⁰⁴ Article 23 (a) United Nations Convention Against Transnational Organized Crime 8 January 2001.

²⁰⁵ Article 23 (b) United Nations Convention Against Transnational Organized Crime 8 January 2001.

costs at home and in international relations.²⁰⁶ To confront this “new threat” to international security, the states of the United Nations created The United Nations Convention against Transnational Organized Crime.

The convention applies to the prevention, investigation and prosecution of serious crime that is transnational in nature and involves an organized criminal group. Participation in a criminal group, corruption, money laundering and the obstruction of justice are established as mandatory offences. State parties are legally obliged to criminalize them. The international threshold of what constitutes other serious crimes has been set as an offence that can be penalized with the deprivation of at least 4 years of liberty. For the purposes of the Palermo treaty an organized criminal offence must be committed to obtain financial or other material benefit.

It is exceedingly important that the international community did recognize state use of transnational organized crime. However, despite finding common features of crime to include “collective or individual state actions aimed at severely damaging the economy of or causing widespread social disruption in other countries”, states are merely encouraged to criminalize corruption involving a foreign public official or international civil servant.²⁰⁷ This notwithstanding the mere recognition of such state behavior and a codified, strong encouragement to criminalize it appears indicative of a new approach to political-criminal relations.

In this light it is interesting to consider the view renowned historian Charles Tilly holds of the state as it relates to organized crime. Tilly concludes: “If protection rackets represent organized crime at its smoothest, then war making and state making – quintessential protection rackets with the advantage of legitimacy- qualify as our largest examples of organized crime”.²⁰⁸ Thus, it becomes all the more interesting to consider the potentially illegitimate relationship between politics and organized crime.

206 A/CONF.121/19 Guiding Principles pp 3-4. See also: Lupsha, 24.

207 A/CONF.121/19 Guiding Principles, p 4.

208 Tilly C. (1993). War Making and State Making as Organized Crime, in *Bringing the State Back In*. Evans, P.B., Rueschmeyer D., and Skocpol (Eds.). Cambridge: Cambridge University Press. p 169.

2.2 The State: A protection racket?

The medium is the message.

M. McLuhan

In January 1919, Max Weber addressed the state monopoly over the legitimate use of force in his famous lecture "Politics as a Vocation". He quoted Loen Trostksy's 1918 Brest-Litovsk proclamation, "Every state is founded on force" and concluded, "If no social institutions existed which knew the use of violence; the concept of 'state' would be eliminated."²⁰⁹ Similarly, Horkheimer, a founder and guiding thinker or the Frankfurt School of Critical Theory maintained that throughout history, domination of groups took place through protection rackets and their resort to coercion.²¹⁰

These understandings of coercion as the historical, common denominator of dominance imply that the state is a product of coercion: a legitimized protection racket, a "regime model of socioeconomic repression" formed by state and/or non-state elites "to preserve domination through the, often violent, exclusion of large groups in societies".²¹¹ Importantly, particularly as political-criminal relations pertain to this study of geopolitics, Horkheimer also observed, "the circumstances of domestic and foreign policy" determine whether a 'bandit leader, condottiere, guerilla, [or] racketeer' is categorized as 'warrior' or 'criminal'.²¹² Both Horkheimer and Canadian criminologist Schulte-Bockholt, support the Marxist observation that elites give up political power to maintain social power, "...elites who cannot achieve hegemony by consent rely on coercion to maintain dominance and to assure capital extraction while engaged in endless struggles against counter hegemonic forces."²¹³

Along the same lines, Weber believed that organized domination requires the "conditioning of human obedience towards masters who claim to be the bearers of legitimate power".²¹⁴ In this regard, power meant violent force. Weber claimed that it is by virtue of this "obedience" that organized domination requires control of those material goods which in a given case are necessary for the use of physical violence."²¹⁵ He did not qualify those "material goods" or "physical violence". Rather

²⁰⁹ Weber M. (1965). *Politics as a Vocation*, Philadelphia: Fortress Press. p. 2.

²¹⁰ Schulte-Bockholt, 27.

²¹¹ Ibid., 35.

²¹² Ibid., 184-185.

²¹³ Ibid., 30.

²¹⁴ Weber, 5.

²¹⁵ Ibid.

he asserted their legitimate use must be restricted to the territory and population over which the state has legitimate rule.

His limitation appears to ignore the dynamic quality of international relations namely; states seek geopolitical power. National security clauses and 'securitization speech acts' help states in this regard by allowing state actors to escape legitimately and publicly established legislation. Moreover, history shows that while engaging in politics, or as Weber described it, "*any* activity to influence the relative distribution of force", states regularly resort to violence both within their legitimate territories and beyond.²¹⁶ Markedly, Weber's notion of "*any* activity" does not imply a restriction on the forms nor the actors of violence belonging to the state's 'legitimate' monopoly. Contrarily, he suggests the state may delegate the "right to use physical force... to other institutions or to individuals only to the extent to which the state permits it".²¹⁷ This argument fallaciously begs the question. It implies the state's power to delegate the use of force lies within its own power.

According to Tilly governments organize to monopolize violence. And, "It matters little whether we take violence in a narrow sense, such as damage to persons and objects, or in a broad sense, such as violation of people's desires and interests; by either criterion, governments stand out from other organizations by their tendency to monopolize the concentrated means of violence. The distinction between 'legitimate' and 'illegitimate' force, furthermore, makes no difference to the fact".²¹⁸ This historically fickle nature of legitimate force is illustrated by the "long love-hate affair between aspiring state maker's and pirates or bandits".²¹⁹ For example, to partake in the gold rush resulting from the Spanish/Portuguese colonial pillaging (which destroyed countless Native American lives and cultures), the governments which were excluded from the Papal division of the New World i.e. England, France and the Netherlands, issued letters of marquee to 'their' pirates in which they were directed to rob Spanish treasure fleets.²²⁰

The fine line between criminal behavior and state behavior is depicted here in the fact that the 'profession' of pirating was punishable by death, privateering, was not. It was rewarded. There are three main distinctions between pirates and privateers, 1) the latter operated in times of war or political conflict; 2) governments protected and harbored them because their actions served the state's political and

²¹⁶ Schulte-Bockholt, 199 (Italics added).

²¹⁷ Weber, 5.

²¹⁸ Tilly, 171.

²¹⁹ Ibid. See also Schulte-Bockholt 33, 182-185.

²²⁰ Chambliss, 183-208.

economic purposes,²²¹ and 3) in return for state 'protection', the sea robbers had to share their plunder with the governments backing them.²²²

As though by magic, the 'legitimizing' letters of marquee transformed thieving, raping, murderous pirates into privateers in a symbiotic relationship with the state.²²³ Technically criminals, infamous pirate-privateers became honored state heroes: Francis Drake and Henry Morgan were knighted. Morgan was appointed Lieutenant Governor of Jamaica and, ironically, put in charge of suppressing piracy in the Caribbean.²²⁴ Charles Tilly eloquently remarked, "Behind piracy on the seas acted cities and city-states, behind banditry, that terrestrial piracy, appeared the continual aid of the lords".²²⁵ Thus, the relationship between organized crime and the state drive for power appears to be a rather intimate. It is therefore interesting to consider this relationship in further detail.

2.2.1 The Stage-Evolutionary Theory of Organized Crime

For over half a century, academicians and government experts have debated the relationship between the upper and underworld. As a result, three major paradigms have been developed to define and comprehend organized crime.²²⁶ In the 1960's experts used the "institutional approach" and viewed organized crime as a viable organization or institution.²²⁷ In the 1970's the formality of the institutional approach was rejected and replaced by the "patron-client" theory. The patron-client theory is a reflection of anthropology and political science. Its focus is on the relationships formed between those in need of illicit goods or services and those who provide them. In the 1980's, the focus switched from patron-client relations to the business of organized crime. This led to the development of the "enterprise paradigm" which is focused on how economics and organized crime influence one another.²²⁸

The theory used here evolved from these theories in the 1990's. It is called the "phases" or "stage-evolutionary" model. It was developed to explain the dynamic relationship between formal and informal societal structures. The stage-evolutionary model also supports Horkheimer's racket theory. It also shows why, and how,

221 Schulte-Bockholt, 182.

222 Chambliss, 185-186. See also Schulte-Bockholt, 184.

223 Schulte-Bockholt, 182

224 Ibid.

225 Tilly, 173.

226 McIlwain Jeffery S. (1999). Organized Crime: A Social Network Approach, in Crime, Law & Social Change. Vol. 32: 4 pp. 301-323. p 303.

227 Ibid.

228 Ibid.

organized crime can threaten the security not only of individuals, but to the nation state as well.

The stage evolutionary theory identifies 3 stages of the dynamic relationship between the underworld and the social, political and economic sectors of the upperworld. They are called the predatory, parasitic and symbiotic stages. They have been formulated using the anthropological, social network approach to modeling the political-criminal dyad. The social network approach is of additional value because it facilitates understanding of the political-criminal nexus, the causes for its existence and the role it plays as a constituent element of state identity.

It is important to note that the aforementioned theories are based on the national level of analysis. Here, the conclusions are extrapolated to the international level. This is a new application of the stage evolutionary model and the reader is asked to consider how organized crime may be directed from a third state to affect the institutional power and eventually territorial power of another.

Predatory Stage

The first phase of organized criminal development in society is the predatory one. At this stage, the criminal group is still at the level of a gang operating at a neighborhood or local level.²²⁹ The nature of the violence and crime tends to be defensive in nature and motivated by the need to maintain dominance over territory, eliminate enemies, and create a monopoly over the illicit use of force.²³⁰ Rather than long-range plans or goals, the organized criminal offences are motivated by immediate benefit.

Lupsha likened organized crime to a disease the state must remove from the system in the predatory stage, "It must act in the predatory stage to decapitate the emerging criminal organizations. It must act before the disease spreads, reached a tipping point and infects the body politics as a whole."²³¹ In his study into insurgent economies, Naylor identified the predatory nature of criminal groups in regard to their behavior towards formal society.²³² Both Naylor and Lupsha concede that at this stage of organized criminal development the groups are vulnerable to the formal law enforcement apparatus.²³³

²²⁹ Lupsha, 31.

²³⁰ Ibid. See also Naylor, 18.

²³¹ Lupsha, 43.

²³² Naylor, 18.

²³³ Ibid.

On an international level, the infiltration of organized actors into a third state should be seen as the transborder spreading of a disease within the state. Importantly, it is rooted in another state which exercises some control over it through the political-criminal nexus (this will be considered in further detail in the following sections). It is important that the state be aware of the existence of any connections organized criminal grouping may have to the geopolitical ambitions of the ethnic state of origin.

At the predatory stage of organized criminal development, the problem is mainly one of law enforcement and it is here that the state has the highest chances of eradicating the problem. If the state fails to remove the organized crime problem at this stage, the groups will be able to establish neighborhood, territorial or ethnic enclave dominance.²³⁴ This facilitates the move to the next stage of its development where "legitimate power brokers, local political notables and economic influentials who can use the gang's organizational skills and impersonal violence for their own ends such as debt collection, turning out the vote, or eliminating political rivals or economic competitors".²³⁵

The Parasitic Stage

At this stage, organized criminals are able to move onto other illicit activities, using violence to engage in embezzlement, protection rackets, illegal gambling and trafficking.²³⁶ The disruptive effects these activities have on society are clear. Less clear are the effects of organized criminal groups' "corruptive interaction" with the legitimate power structures of the state.

In the parasitic stage, organized criminals "meld their control of a territorial base with the power broker's need for illicit services".²³⁷ As the professional criminals accumulate capital, information and organizational skills they simultaneously network their way into society's formal structures.²³⁸ It is foreseeable that at this level of integration, avenues open up for the organized criminals to influence institutional decision-making.

On a national level, "organized crime extends its influence over entire cities and regions and becomes an equal of (rather than a servant to) the state."²³⁹ Extrapolated onto the international level, transnational organized crime extends its

²³⁴ Lupsha, 31.

²³⁵ Ibid.

²³⁶ Naylor, 18.

²³⁷ Lupsha, 31.

²³⁸ Ibid., 31-32.

²³⁹ Ibid

influence into state institutions, cities, regions and other structures of the third state. Political corruption has been described as “the essential glue binding together the legitimate sectors of the community and the underworld criminal organization. Through corrupt interaction with the upper-world, the organized criminal group is able to camouflage itself with legitimacy. However, at this stage, the political and criminal realms although potentially equals in respect to power, they remain separate in their own rights.”²⁴⁰ In this phase the legitimate sector becomes intertwined with informal structures and the problem moves away from being one of law enforcement and towards becoming one of public policy.

Symbiotic Stage

The third stage in organized criminal evolution is the symbiotic one. Lupsha describes the symbiotic stage as one where the state - the “host” - has become dependent upon the “parasite”, the criminal monopolies and networks.²⁴¹ In the symbiotic phase, the territorial reach of organized criminal has extended far beyond the neighborhood and to the national or international forum where it provides goods and services to otherwise legitimate institutions.²⁴² It is at this level where the extended influence of organized criminal groups is so intertwined with the centers of social, economic and political power that they are a part of national and international structures.

Symbiosis is the heart of the political-criminal nexus. It is where transnational organized criminal groups infiltrate into state security services, and the state structures into transnational organized criminal ones.²⁴³ Because the political and criminal elites are organized around their respective interests, the state’s security is held in a delicate balance. The formal structures depend on their illegitimate services and the informal depend in turn on their legitimacy.

At this level, the organized criminal groups are a consolidated or “corporatized” structural part of the political and economic system which can confront the nation-state, geographic regions of specific sectors as equals or as superiors.²⁴⁴ Once an organized criminal group has entered into a symbiotic stage with the upper world it becomes ‘upgraded’ from a law enforcement problem to a public policy

²⁴⁰ Ibid.

²⁴¹ Ibid.

²⁴² Naylor, 18.

²⁴³ Story, C. (1999). Criminalism – The Russian ‘Mafia’ is Not Free-Standing, in London International Currency Review 25: 3. pp 97-102. See also Foertsch, 123.

²⁴⁴ Lupsha, 33.

problem because, “organized crime has become a part of the state; a state within the state.”²⁴⁵ It is here that the political-criminal nexus flourishes.

Transnational organized crime is a key political actor, an interest group, a sectoral player that must be taken into account by the legitimate political system; organized criminal groups make use of states and states make use of organized criminal groups.²⁴⁶ Of the three stages, the symbiotic one is of most interest to this study because from an international perspective, when a powerful state functions in symbiosis with its underworld, it is able to use its transnational organized criminal ties in its international affairs.

The social contract dichotomy which exists in the use of crime to realize state interests is found in the fact that the political criminal relations deprive the state of security, transparency and accountability. The “unholy ties” divert state resources from legitimate state operations and deny tax money from serving the citizen.²⁴⁷ Lupsha asserts that on a national level in the United States, “contract fraud, public corruption, faulty construction of housing, inflated costs for public works and government projects, corporate extortion, as well as public and private bank failures... ...assassination, murder, intimidation and fear... incalculable loss of regime legitimacy and public trust have caused tens of billions of national treasure.”²⁴⁸ Today, this figure would certainly reach astronomical figures if it were calculated on a global level.

Symbiotic Tilt

In his study into black market operations of insurgent groups R. Naylor notes, “Whatever its precise form, modern underground politics shares with modern underground economics the basic perception that the formal state apparatus has lost (or never had) legitimacy.”²⁴⁹ According to Foertsch, an increasing symbiosis of state and organized crime provides more security to the latter as it is able to collect and utilize more information about the state, its security services, economic organization, and political factors. He names the growing power of transnational organized crime within the security sector “progressive symbiosis” and concludes that targeting and fighting it will increasingly require counter intelligence and

²⁴⁵ Ibid., 32.

²⁴⁶ Ibid., 23-24.

²⁴⁷ Godson R. (2004). *The Political-Criminal Nexus and Global Security in Menace to Society* Political-Criminal collaboration around the World, Godson R.(Ed.), London: Transaction Publishers. p 13.

²⁴⁸ Lupsha, 25.

²⁴⁹ Naylor, 14.

cooperation with foreign intelligence services.²⁵⁰ A conundrum he does not address is that when the political-criminal nexus and security services of a weak or small state have been penetrated by a regional power, the chances of having an effective counterintelligence institution to counter it are rather slim.

Transnational organized groups who oppose the state and its status quo are inspired to create conditions that would lead to a tilt within the symbiotic relationship. The objective of breaking the symbiosis of the political-criminal nexus is to exclude the formal state from enjoying its legitimate benefits and powers within a specified territory.²⁵¹ This being so, it is important to note that a fourth stage, the 'symbiotic tilting stage' should be added to the "phases" model in which the symbiotic relationship progresses, once again, in the favor of criminal groups and eventually tilts the concentration of power to organized criminal structures. At this stage, the state or parts its formal structures and actors lose control and become subservient to the criminal organizations.

To maintain its territorial integrity and sovereignty the state must react against the transnational organized crime to the extent that it deteriorates its sovereign power potential. On an international level, one state may utilize its political-criminal nexus to "progressively erode" the formal economy of a region or a state to cause the population to shift to the informal for survival.²⁵²

For instance, in Colombia, the symbiotic relationship between cocaine traffickers and the state was expressed in the fact that cocaine profits were used to keep the state's balance of payment from collapsing.²⁵³ However when the symbiotic tilt was initiated by the Medellin cartel through "narco-violence ...terrorist attacks on the agents and agencies of the state and its institutions of civil society (press, media, courts, elite publics)" the Colombian state responded against them.²⁵⁴

Importantly, organized crime can be used "to discredit the government in the eyes of the poorest sectors of the population who are most prone to accept" a foreign political message with the hope of a better tomorrow.²⁵⁵ This capability points to the use of the soft power of attraction against the population and the state. It also points to another manner in which transnational organized crime jeopardizes the territorial sovereignty of states, which is important to this study. This possibility is what makes

250 Foertsch, 123 – 125.

251 Naylor, 21.

252 Ibid., 15-16.

253 Schulte-Bockholt, 99.

254 Lupsha, 43.

255 Naylor, 15-16.

transnational organized crime a threat to national security, foreseeably influencing the way states perceive each other.

When the symbiotic level is kept in balance, it is where the political-criminal nexus operates at its fullest. For this reason it is interesting to consider the structure of the political criminal nexus and determine whether it is a social structure within the state and thereby part of state identity.

2.2.2 The Political Criminal Social Network

For transnational organized crime to be an instrument of a state's foreign policy, a symbiotic relationship between formal and informal structures must exist. If it is true that in the "upper reaches of power" one finds "the uncertain, 'elastic line' between legitimate and illegitimate violence" then this elastic line is where the underworld connects with the underworld.²⁵⁶ Relationships of varying degrees of cooperation between formal and informal structures exist at the local, national and trans-state levels and form the political-criminal nexus.²⁵⁷ For this reason, Kelly asserts that the political-criminal nexus may not be "monolithic" but a "plurality of possibilities and relationships at micro and macro levels of political/criminal collusion".²⁵⁸ But what is the political-criminal nexus? Who participates in it and why?

A 'nexus' is "a tie, link, connection between two members of a group".²⁵⁹ McIlwain argues the social network system of organized crime analysis transcends most organized criminal theories because it emphasizes their commonality, namely, that human relationships form the basis for organized criminal activity.²⁶⁰ Within a social network, relational ties bind actors i.e. discrete individuals, corporate and other collective social units to another.²⁶¹ Thus, to understand ties among pairs, one must concentrate on the dyad as the unit of analysis and the ties between them.²⁶²

The least common denominator of organized crime is the dyad engaged in the process of social networking for the provision of illicit goods, services and protection.²⁶³ The political-criminal nexus is a social network based on sustained

²⁵⁶ Tilly, 173. See also Schulte-Bockholt, 33, 182-185.

²⁵⁷ Godson, 4.

²⁵⁸ Kelly, R. J. 2004. An American way of Crime and Corruption in Godson R.(Ed.), in *Menace to Society Political-Criminal collaboration around the World*, Godson R.(Ed.). London: Transaction Publishers. p 109.

²⁵⁹ The New Webster's Encyclopedic Dictionary

²⁶⁰ McIlwain, 301.

²⁶¹ Ibid., 305.

²⁶² Ibid.

²⁶³ Ibid., 306.

collaboration between a dyad, two sets of groups and institutions, the formal, political establishment and the informal criminal underworld.²⁶⁴

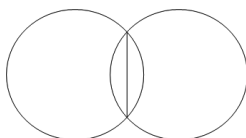


Figure 10 Political Criminal Dyad and Nexus

Within the political-criminal nexus, the upper and underworlds form a dyadic relationship in which both sets of actors have separate motives for participating and keeping the symbiotic relationship alive.

Within the political-criminal nexus, the relationship between the underworld and upperworld is a symbiotic one; organized criminals make use of the state and state authorities make use of them. Both members of the dyad simultaneously strengthen and erode one another. As an instrument of “silent wars” the two-way character of the political-criminal nexus also provides states with power they would otherwise not have. From the perspective of the state, its recourse to organized crime makes it a more effective predator, contrarily its sovereignty is weakened by the promises made to organized criminals.²⁶⁵

The Actors

The term “political-criminal nexus” clearly names the pair of actors belonging to the dyad: political and criminal actors. A variety of causes, both motivational and structural, lend to the development and character of the state’s political-criminal nexus. In this section the dyad and its motivational causes are presented.²⁶⁶

The criminals (Underworld)

The international community recognizes a criminal group as two or more individuals acting together to commit a serious crime.²⁶⁷ Organized criminal group activities are not limited territorially; “their geographic location can be local, regional, or transstate. Wherever they operate, they systematically and purposefully violate national laws

²⁶⁴ Godson, 3.

²⁶⁵ Kelly, 103-104.

²⁶⁶ Godson, 17.

²⁶⁷ Article 2 (a) Palermo United Nations Convention against Transnational Organized Crime, Palermo 2001.

and international conventions.”²⁶⁸ Relational ties bind the criminal individuals to each other and facilitate their activities that are “primarily a variety of clandestine, profit-making activities deemed illegitimate or criminal by one or more states”.²⁶⁹

Organized criminals participate in criminal organizations of varying institutional forms; they hold immaterial and material values, have professional criminal behavior and resort to the use of violence.²⁷⁰ The threat or actual resort to the use of violence to obtain their objectives is perhaps the most important element of their being as it incites the fear necessary to emit obedience, control and hence power.

The primary source of income for organized criminals comes from crime; this however, does not suggest that they do not partake in legitimate business. Rather, their 'legitimate' endeavors are often used as fronts for their illicit activity and the laundering the proceeds of crime. For example, “the gangster Al Capone had dozens of politicians, law enforcement officials, and bureaucrats on his payroll.”²⁷¹ The same holds true for other famous figure heads of crime, “Mayor Lansky and Lucky Luciano were businessmen, criminal businessmen, but nonetheless they were in business. Their contracts, however, were enforced not by courts of law or judicial decision but by violence and strong-arm tactics. Recognition of their effectiveness was everywhere. Their American patriotism and roots were recognized by legitimate society, whose illegal hungers he satisfied when, during the Second World War, the U.S. Navy asked Lansky for help in combating the German U-boats operating off the coast of Long Island.”²⁷²

Organized criminal groups have a number of advantages over the state. These advantages continue to develop along with the globalization process. Lupsha has identified eight prime advantages:

1. Vast sums of capital to: a) undercut and undersell competition and (b) purchase expertise.
2. No jurisdictional, bureaucratic, or legal limits on actions or decisionmaking.
3. Corruption: The ability to acquire information, take actions, acquire influence, access to rule makers and rule enforcers and to penetrate opponents and targets of interest.

²⁶⁸ Godson, 3.

²⁶⁹ Overview. (1999). *The Political-Criminal Nexus*, in *Trends in Organized Crime*, Winter Volume: 5 Issue: 2. p 6.

²⁷⁰ Ibid.

²⁷¹ Ibid., 5.

²⁷² Rosner, 142.

4. The threat and use of violence to obtain ends;
5. Organizational (bureaucratic) flexibility and quick (rapid) decisional responsiveness.
6. Terminal sanction to remove organizational inefficiencies and organization 'dead wood'.
7. An emerging global network of contacts and associations and marriages of convenience.
8. Organizational secrecy and covertness..²⁷³

The aggregate of these advantages puts criminals in a position where they can be useful to the state. They are able to provide services and favors such as "providing intelligence on rivals at home and abroad, disrupting or even eliminating political rivals, securing votes in particular regions".²⁷⁴

Organized criminals are used by states or state authorities. However, the danger of doing so is that organized criminal groups pull political interests and loyalties away from the state and towards those of the criminal organization.²⁷⁵ This increases their strength and level of political criminal collaboration. This pattern is what makes transnational organized crime an international security threat not only to humans, but to states as well.

The Political Establishment (Upper World)

In his research into the political-criminal nexus, Roy Godson includes all forms of "state authority" into the "political" category. In so doing he shows that no layer of politics is immune from the political criminal relationship. Thus, it is a dynamic structure existing in all layers of government and opposition.

The individuals forming this part of the political criminal dyad generally pursue their ends via legal means. Office holders, front men (i.e. political party officials, public relations firms, businesses, legal advisors, accountants and NGOs) and the legal opposition all have local, national and international influence that is of interest to the organized criminal groups.²⁷⁶

Notably, Godson asserts that although some political actors may start participating in crime voluntarily or under authoritative command, the usual corrupting offers come from the criminal side. They are offered between accepting an undue

²⁷³ Lupsha, 35.

²⁷⁴ Godson, 9.

²⁷⁵ Ibid., 12.

²⁷⁶ Ibid., 3-4.

reward or being killed: "Silver or Lead?"²⁷⁷ This is rather important when one considers the fact that the United Nations recognized that state officials and representatives influence foreign affairs by offering some kind of undue advantage. When viewing the political-criminal nexus from the level of international relations, surprisingly little attention is given to the ways this sort of transnational organized crime is used to target the intangible, societal and political powers of the state.

The Motivations

There is a dual quality to the political-criminal relationship. Both sets of actors need one another to exist but appear greatly at odds with each other. Moreover, while organized crime requires the absence of the state for its proliferation, it also depends on it because "the managements of the illicit economic system require the cooperation, or rather the corruption of state agents".²⁷⁸ Conversely, state figures often depend on the financial or other material support for their political and financial success while the state's peace is dependant on the control and eradication of organized crime. As a result, although publicly identified organized criminals may not necessarily be part of formal state structures, by being part of the political-criminal nexus their interests and those of the economic and political elites play an important role in the formal sector.²⁷⁹

To understand the political-criminal dyadic relationship better, it is necessary to consider some of the motives the actors have for participating in the nexus. The application of the Palermo Treaty against Transnational Organized Crime is restricted to offences that are not purely political. Moreover, they must be motivated by some sort of financial or material benefit. As we have seen, what qualifies as a "material benefit" is open to broad interpretation. Importantly, the driving motives for participating in organized crime are material and immaterial in nature. Thus, "monocausal explanations, particularly economic or financial explanations are inadequate".²⁸⁰

Criminal Motives

Criminal organizations need more than money to be able to make a financial or territorial profit from their criminal enterprises. Their success depends on having

²⁷⁷ Godson, 9.

²⁷⁸ Schulte-Bockholt, 12.

²⁷⁹ Kelly, 103-104.

²⁸⁰ Godson, 21.

someone on the 'inside' to provide protection, impunity, security and assistance.²⁸¹ Kelly identifies two main objectives criminals have in holding relationships with the underworld: to neutralize law enforcement and involve the underworld figures in criminal conspiracies.²⁸²

One key way this is done is through criminal "assistance" of electoral candidates. Some candidates may receive more than others, but according to Kelly, all of the cooperative authorities are likely to receive something.²⁸³ On an international level, this criminal promotion of candidacy doubly jeopardizes the given politician's loyalty to the state. This is particularly important when the foreign organized criminal group functions as functioning from within their own state's political-criminal nexus. It runs the risk of giving effect to the foreign policies of third states over the policies of the common interests and good of the state itself.

On the international playing field, organized criminals may be motivated by rewards that are provided by the state, which hires them to impact the economy or political situation of a third state. By way of violence, intimidation, bribery, and massive campaign donations, organized criminal actors escape the laws of the state they operate in and prevent extradition to other states in which the crimes or their effects are felt.²⁸⁴

Finally, an additional motive for organized criminals to participate in the political-criminal relationship is their longing for acceptance and social mobility for themselves and their family.²⁸⁵ "I.O.U.'s" are central to the political-criminal nexus in which political authorities owe favors to organized crime and in turn, organized crime owes favors to the upper world authorities.

Political Motives

Marx observed that elites give up political power to preserve their social power.²⁸⁶ Political elites collaborate with the organized criminals for a combination of reasons and they all appear to relate to power, albeit social, political or financial. Godson identifies the political elite's principle motive for partaking in the political-criminal nexus as "money for personal or political purposes – to finance lavish lifestyles to win elections, and maintain their leadership roles."²⁸⁷

²⁸¹ Godson, 9.

²⁸² Kelly, 100.

²⁸³ Ibid., 105.

²⁸⁴ Overview, 4.

²⁸⁵ Godson, 9.

²⁸⁶ Schulte-Bockholt Alfredo, 31.

²⁸⁷ Godson, 9.

Criminal connections also facilitate money services for corrupt business or money laundering for the politicians.²⁸⁸ However, by allowing criminal groups to ‘serve society’ by meeting the demand for low prices on various goods and services, they institutionalize organized crime in their societies.²⁸⁹ On the political level, politicians may hire hooligans to intimidate voters to gain electoral support. They may also promise undue benefit for other electoral support. In this regard, the political side of the political-criminal nexus may assist criminals in gaining control of key sectors of the economic security infrastructure, such as telecommunications or financial services to contribute to local instability in geostrategic regions of concern.²⁹⁰

The underworld may also collaborate with the underworld for the provision of social order.²⁹¹ Such cooperation is reflected in Colombian Law 48, which allows armed forces to extend the right to use violence to non-military members.²⁹² Similarly, the “Extra-departmental Law” in Russia allowed law enforcement officials to work for private entrepreneurs at a time when it is estimated that over 80% of private business was in the hands of organized criminal groups. Criminal organizations are often in a position of being able to both, offer intelligence on rivals at home and abroad and the capability of disrupting or even eliminating local or foreign political rivals.²⁹³ Weakening, controlling or eliminating rivals are other obvious reasons for underworld figures to cohort with the underworld.²⁹⁴

At times, states require their exercise of power to be hidden or masked. Organized criminal groups have in the past and do in the present serve the interests of the state by providing a mechanism to obscure the exercise of state power in domestic and even international spheres”.²⁹⁵

The political-criminal nexus is an international actor and security threat because it threatens the political, economic, social infrastructure of the formal system.²⁹⁶ For instance, supporting transnational organized crime to secure foreign elections, expand business onto foreign territory or eliminate candidates through scandals or assassination are all ways states can ‘control’ their enemies and secure their positions on foreign soil. By extrapolating these motivations from the national to the international level, the effects become geopolitical.

288 Ibid.

289 McIlwain, 315.

290 Godson, 7.

291 Overview, 1.

292 Schulte-Bockholt, 105.

293 Godson, 9.

294 Overview, 12.

295 McIlwain, 315.

296 Godson, 4

Structural Causes

The National Strategy Information Center, a Washington D.C. based think tank, studied political-criminal relations throughout the world. It recognized that the national and international situation of any given state influences the development of the political-criminal nexus.²⁹⁷ This is particularly true when crime is ubiquitous and institutionalized. In such cases, Kelly suggests the answers for its causes are best found in the structural characteristics of the political, economic and social systems.²⁹⁸ Godson also asserts that structural economic, political and cultural factors facilitate the development, functioning and proliferation of political-criminal relations.²⁹⁹ Thus, it is necessary to know how and why economic, political and cultural factors influence political-criminal relations of the state.

Economic Factors

One of the simplest approaches to understanding the economic causes of the political-criminal nexus is the supply and demand of illicit goods and services. The illicit market has been identified as the basis for organized crime and analogously the political-criminal nexus, but the lack of certain goods and services from the formal market are not the only economic causes of the political-criminal nexus.³⁰⁰

A state's weakness and devaluation (or instability) of its domestic currency is one of the root causes for political-criminal cooperation particularly as access to foreign currency or markets may only be possible through criminal political cooperation.³⁰¹ Weak or failed states may actually come to rely on the underworld to prevent social crisis or collapse. In fact the state can be in such an inferior economic position as to rely on organized crime for the provision of licit goods.³⁰² For instance, in Rio de Janeiro, Brazil drug traffickers have taken over the provision of official government functions and services and in Peru, "drug traffickers, such as Chachique Rivera's group, paid teachers and other loyal civil servants 100 dollars a month to maintain public services in jungle drug towns and supplement their meager government salaries".³⁰³ A good example of how drug traffickers help build society is

297 Overview, 7-13.

298 Kelly, 107.

299 Godson R, 9.

300 Overview, 10.

301 Godson, 14-15.

302 Lupsha, 27.

303 Ibid.

found in the Colombian drug activity in the Andean territories where cocaine is produced. There, “Colombian drug traffickers fund satellite dishes, electric generators, water purification systems, soccer equipment, widen and improve roads for landing strips, and pay salaries to buy local cooperation and support. An economist and former board member of the Colombian central bank, Kalmanovitz, wrote that ‘cocaine stopped the balance of payments from collapsing, which would have pushed is into the spiral of hyper-devaluation and hyperinflation that shook most of the rest of the continent... [during] the 1980s’”.³⁰⁴

Also of great importance is the loyalty that develops between the citizens of the state towards the organized criminals over the state institutions. An example of this is depicted by the 2010 riots in Jamaica where citizens came to rise against the state and extradition to the United States of the drug lord Christopher Coke. Coke is revered in his neighborhood for providing necessities to the people, something the Jamaican state does not do.

Whereas these examples show how drug trafficking enriched “larger sectors” of the state’s population, supported economic growth, increased jobs and financial investment, there is little cause to believe that other illicit trades such as arms and human trafficking would not have the same effect. It is clear however, that such “social benefits” are only possible through corruption or “informal taxation” that comes from permitting the trafficking to exist.³⁰⁵

Political Factors

State weakness and inability to maintain law and order also leads to the political criminal relations. The inability of states to realize its obligations under the social contract albeit due to “inefficient premodern institutions, personalistic and/or patronage systems”, weak rule of law, or other political actors explain the development and utilization of the political-criminal nexus.³⁰⁶

The weakness of a state inevitably leads citizen’s to distrust it and its structures. In their search for protection and facilitation of their survival, citizens may be inclined to cooperate with criminal groups who have power and a willingness to use violence.³⁰⁷ This exemplifies Horkheimer’s protection racket theory. By turning to local criminal organizations for protection, the underworld gains power against the upperworld sectors through infiltration and in turn, electoral support. This political criminal

³⁰⁴ Schulte-Bockholt, 99.

³⁰⁵ Lupsha, 41.

³⁰⁶ Godson, 10.

³⁰⁷ Ibid., 13.

process is a “major threat to the infrastructure of governability and the rule of law” in the world’s weak and small states.³⁰⁸

A particularly fertile environment for the development and use of the political-criminal nexus is the state in transition.³⁰⁹ Uncertainties regarding the norms and acceptable behavior, inherent to political and economic transition, foster a society in which the line between what is deemed legitimate or illegitimate is not only elastic, but at times even invisible. Their “fluid and complex conditions” and “lack of functioning state structures” are conducive to the battle over the redistribution of power.³¹⁰ Importantly, the transition from one system to another creates an “extremely favorable environment for former and current state officials to work with criminal opportunists.”³¹¹

This fact is of particular concern to post-Communist and post-Soviet states. Their former system had a strictly Moscow-centered character loyal to Russia. Most, if not all, former communist/totalitarian states and authoritarian regimes, in the post-Cold War era are at a particular risk.³¹² Lupsha identified this form of political-criminal cooperation as the “In-Flux: Emergent” transnational organized group.³¹³ The groups materialize from the absence of civil society, insurgence or conflict. Their members, are usually linked to prior state institutions such as the intelligence, military or totalitarian bureaucratic and economic sectors.³¹⁴

However, weak states and states in transition are not the only states where political-criminal relations flourish. When a state is too strong, bureaucratic, unitary or uncompetitive, civil society can offer little to console the development of a political-criminal nexus and the need to make use of goods and services provided by the underworld.³¹⁵ For instance, in the United States, local officials cooperated with construction contractors to bypass inefficiencies, meet deadlines and avoid problems related to labor forces.³¹⁶ In the Soviet era, citizens were forced to turn to the black market because of product scarcity i.e. unavailability or yearlong waiting lists. And, in the meanwhile higher communist party members and *nomenklatura* were awarded by “legally” being able to bypass bureaucracy and access to the black market.

308 Ibid., 4.

309 Ibid., 1.

310 Ibid., 16.

311 Ibid., 11.

312 Ibid.

313 Lupsha, 33.

314 Ibid.

315 Godson, 9-10.

316 Overview, 8.

Cultural Factors

At the core of the political-criminal nexus lay human relationships with separate but equal interests. The cultural nature of the group affects its interests and thus the character of its organized crime. It is therefore necessary to consider the role of social networks and culture as they relate to organized crime.³¹⁷

Cultural variables can explain “subtle and not-so-subtle differences between organized criminals of different ethnic heritages”.³¹⁸ The impact and influence culture has on the development and functioning of the political-criminal nexus is perhaps best understood from empirical and recognizable variables i.e. perceptions of corruption, family, economy, and, other cultural variables i.e. shared history, religion, language and territory. These are the cultural factors which provide the glue necessary for the bonding and solidarity of the political-criminal nexus.³¹⁹

A quality of organized crime that is particularly dangerous to the sovereign state is that it “...may take on different roles as quasi-governmental functionaries, as informal or alternate “governments” and policing agencies”.³²⁰ Importantly, Godson suggests, “Changes in culture can facilitate a break up of a political-criminal”.³²¹ However, it must be noted that governments may actually promote organized crime by ignoring cultural differences or preferences within the state.³²² By inference, it is possible to conclude that organized crime and separatism can be advanced by government policies that feed cultural differences through social policies. How a state changes culture, a thing already controversial, is complicated by “history and prevalence of secret societies; widespread public perception that corruption is “normal”; and the perception of criminals as cultural heroes or ‘men of honor’”.³²³

Transnational organized crime has always been “greatly shaped by ethnicity”.³²⁴ In fact, most transnational organized crime groups have a single ethnic character or national identity root albeit Chinese, Colombian, Israeli, Italian, Japanese, or Russian etc. and are rooted regionally, national-organizationally, ethnically and linguistically.³²⁵ Moreover, the capital generated by ethnic crime permits members of criminal organizations to exercise power beyond their territory

317 McIlwain, 308.

318Ibid., 304.

319 Lupsha, 22.

320 Kelly, 110.

321 Godson, 13.

322 Kelly, 110.

323 Overview, 9.

324 McIlwain, 308.

325 Lupsha, 22.

thereby threatening the social, economic, political or environmental security of other states.³²⁶

Thus, since nationality, region and ethnicity define the interests and behavior of states and individuals, they must also affect the character of the political-criminal nexus. It is expected that this character will reveal itself in foreign affairs.

2.2.3 The Political-Criminal Nexus in Foreign Affairs

In his state-level assessment of the political-criminal nexus on the national level, Godson concludes it “plays a role in determining major aspects of the state infrastructure, e.g. in elections or the appointments of key executives or judicial figures, or in key public investment decisions, tax policy, trade policy, coalitions on diverse issues will be formed between political and criminal leaders.”³²⁷ Such penetration clearly has the power to affect the national and foreign policies of the state. Viewed from the international perspective, the usefulness of the political-criminal nexus stems from its ability to affect all sectors of national security. It follows that strong states seeking greater geopolitical power may instrumentalise their nexus to undermine the economic development, democratic governability, rule of law, and human rights within a weaker, strategically interesting state.

Despite the proliferation of international law, critical criminologist, William Chambliss, asserts that the state use of organized crime as an instrument of state power has changed little since the early days of Capitalism. He asserts that today, as in the past, “states organize smuggling, assassinations, covert operations, and conspiracies to criminally assault citizens, political activists, and political leaders perceived to be a threat”.³²⁸ By asserting that laws prohibiting organized criminal offences are good for the state, *but only when control of such activity serves state interests* Chambliss paints a legal dichotomy.³²⁹ Organized crime is a national security threat which is instrumentalised to serve the interests of the state.

Thus, organized crime is not a set of activities which exists exclusively outside law and government. Rather, it is “integral” to them and “may be a creation of them”.³³⁰ The national security clause appears to be the portal to the lacuna existing between the international law and politics. By referring to something as a matter of

326 Rosner, 141.

327 Ibid., 5-6.

328 Ibid.

329 Ibid. (italics added)

330 Kelly, 103.

national security the state is permitted to act beyond the realm of established legislation.

Noting that the resort to violence and intimidation is a key factor to the maintenance of political-criminal power, Godson remarks “the political-criminal nexus can mobilize the forces of the state when necessary to attain its goals”.³³¹ Whereas transnational organized criminal groups function by way of corruption, states function by offering immunity, financial support or by spurring groups against each other.³³²

According to Charles Tilly, “the rather ideologically based ideas” of a social contract, open markets, and a society whose shared norms and expectations call forth certain kind of government, fade in light of “the war and state making, coercive and self-seeking entrepreneurs of European history”.³³³ In fact, mainstream criminologists in the United States generally do not include ideology into the study of organized crime. This approach focuses on the economic aspects of organized crime. It also appears to deflect attention from state use of transnational organized crime in politics.

Limiting the study of transnational organized crime to methodologically individualistic, entrepreneurial and material analysis overlooks the fact that throughout history war, organized violence and crime have been fueled by both material *and* immaterial structural differences. Immaterial structures include culture, religion and ideology. Schulte-Bockholt refutes the trend which accentuates the non-ideological nature of organized crime in mainstream North American criminology.³³⁴ He emphasizes it is erroneous to disregard the links between organized crime, economic power and political interests.³³⁵

By its very nature, the political-criminal nexus poses a significant threat to democracy.³³⁶ However, it has also been instrumental in its promotion. For instance, Chambliss made the practice of privateering analogous with the activities of US intelligence agencies who collaborated with criminal organizations in their fight against communism during the Cold War. He described this element of foreign security policy as “state organized crime” because the state “specifically instructed selected individuals to engage in criminal acts”.³³⁷

331 Godson, 5.

332 Foertsch, 128.

333 Tilly, 169.

334 Schulte-Bockholt, 2, 21.

335 Ibid., 21

336 Overview, 1.

337 Chambliss, 185.

The international drug trade and the “war on drugs” provide some of the clearest historical examples of state use of organized crime. For instance, in the times of colonization, the objective of the “predatory” drug trafficking colonial states was not only to earn money to fund their colonizing wars. It was also to “morally weaken” the enemy populations by affecting the human security.³³⁸ An early account of such an attack on human security is found in the activities of the Dutch East India Company. Between 1640 and 1799 fifty-six tons of opium were imported to Java (Indonesia) “to soften up tribal chiefs”.³³⁹ Through much of the Twentieth Century the illicit drug trade provided significant funding for wars against communism. In the 1930’s and 1940’s, Japanese Yakuza crime groups cooperated with the Japanese military to sell opium and heroin to the Chinese population in occupied Manchuria; earning an estimated \$300 million US per annum.³⁴⁰ In the 1940s and 1950s the French Secret Service, the Service de Documentation Extérieure et du Contre-Espionage (SDECE), was able to fund its clandestine operations by entering a symbiotic relationship with the Binh Xueyen mafia in Vietnam. It did so by ceding control over the red-light districts in Vietnam in exchange for the service of processing raw opium into smoking opium.³⁴¹ Later, in Vietnam, the “United States inherited the dependency on opium profits” and “provided the opium-growing feudal lords... with transportation for their opium” via the CIA airliner “Air America”.³⁴² Ironically, the heroin was also exported to the United States.³⁴³ In turn, the imported heroin became a threat to the human security in the United States.

The political-criminal nexus has also been used to fight the spread of democracy. Russia’s policy of preventing the spread of democracy provides a case in point. Going back to the Cold War, Foertsch provides an illustrative example of how the drug trade fueled the ideological Cold War. In 1971, Sverdlev, a Bulgarian intelligence (KDS) officer defected to the West. He provided a protocol from a meeting that took place in Moscow in 1967. It was a meeting of the Chiefs of the Services of the Warsaw Pact countries. The protocol exposed their plan to destabilize the capitalist West. Illicit drugs were to be supplied to the West from the Middle East; the revenue was to be used for the purchase of weapons for the “liberation movements” in the Middle East.³⁴⁴

338 Schulte-Bockholt, 33.

339 Ibid., 53.

340 Ibid., 33.

341 Ibid., 64.

342 Chambliss, 4.

343 Schulte-Bockholt, 64.

344 Foertsch, 132.

The aforementioned examples provide substantial reason to believe that the mainstream understanding of transnational organized crime, particularly in the US (where it is generally limited to non-ideological, non-state actors) is limited and misconceived. They also show that formally accepted institutions such as secret services are used by states relying on organized crime in pursuit of their geopolitical agendas.

The promotion of separatism is perhaps one of the clearest examples of how states use underworld structures to gain power in third states. Naylor describes an insurgent strategy (often backed directly or indirectly by foreign governments) of replacing the formal economy with a cooperative parallel economy, a political economy and social services that involve all aspects of production and distribution, with marketing links that stretch into cities where the sale of products on informal markets creates an underground economy.³⁴⁵

He notes that humanitarian aid, NGOs and an “elaborate propaganda apparatus in the form of newspapers and magazines, radio and television services; and a transportation system” play a major role in shifting the loyalties of the population away from formal state structures and toward the insurgent groups.³⁴⁶ In doing so, Naylor inadvertently describes how the political-criminal nexus figures in relation to soft power security. Just like states traffic illicit goods to stimulate the underground economy; they penetrate societal structures to promote institutions that reflect the ideology, language, culture, religion etc. of the insurgent group.

Albeit under the guise of promoting democracy or fighting it, this attack on the soft power security of the targeted state promotes separatism and benefits the foreign government supporting the insurgent groups. However, very little attention has been given to the relationship between the political-criminal nexus and soft power security in this regard.

2.2.4 Conclusion

Transnational organized crime has only relatively recently been recognized as an international security threat. Yet, upper and underworld structures have helped one another realize their geopolitical objectives for centuries. In fact, the state and its monopoly over the use of force is the oldest form of protection racket.

³⁴⁵ Ibid., 16-18.

³⁴⁶ Ibid.

The stage evolutionary model identifies three stages of the political-criminal relationship. Importantly, it shows how the political-criminal relations are dynamic and ultimately threaten national security. In the symbiotic stage the relationship is reciprocal; informal structures use formal ones and vice versa. This level of dynamic reciprocity is what allows the political-criminal actors to tap into each other's realms of power. The following figure depicts the dynamic relationship between the rule of formal and informal structures.

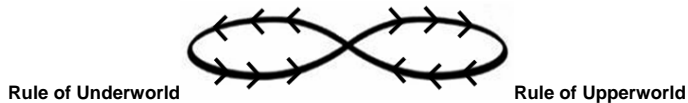


Figure 11 Dynamics of the PCN

When states, or parts thereof, cooperate with transnational organized criminals they weaken their own institutional base and open avenues for third states to penetrate their politics and interests. Thus, a fourth stage has been added to the stage-evolutionary model, namely the level of *symbiotic tilt*. This level was added to show that if it is not kept in balance the relationship can tilt and eventually lead to the demise of a state. Making this addition to the model is important. It shows that states can and do lose territory and economic power to organized crime. The phenomenon, when extrapolated to the international level, takes on a more ominous character. It shows that through its political-criminal nexus the state can use transnational organized crime to gain power in third states. Consequently, the susceptibility of states to experience transnational organized crime, corruption and separatist subversion as existential threats is likely to be related to the political-criminal relations within their borders and beyond.

How and why formal and informal structures cooperate and influence one another is best understood from the symbiotic stage. It is the crossing of the relational ties in which the upper and under world relations are ones of mutuality. The nature of the dynamic relationship between organized crime and formal societal structures is social. It is a social network created by two sets of actors; criminals and officials. This social network constitutes an upper and the underworld dyad. It is within this dyad where one finds the level of symbiosis and the political-criminal nexus.

The underworld seeks legitimacy and the upperworld illegitimate services and funds. Thus, the actors within this dyad struggle for power and in doing so, they

cooperate. The criminals exert influence over formal structures, to the extent of eventually becoming legitimized, and, simultaneously the formal actors seeking more power become criminalized. The motives are separate but equal. And, at the heart of it all lies corruption and behind it, the choice between silver and lead.

The following figure shows how the political-criminal nexus connects and influences both, developments within the formal state structures as well as the informal ones.

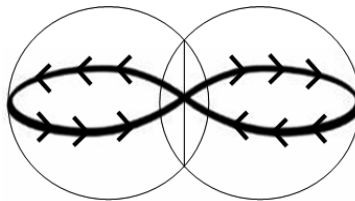


Figure 12 The PCN and Dynamic Relationship within the Dyad

Paramount to the study of international relations is the fact that it is at the level of symbiotic coexistence, where strong organized criminal groups have a dynamic relationship with state security structures. It is within the political-criminal nexus that a level of organized crime is politically organized. Throughout history this relationship has been used by states to gain power.

At times the political-criminal nexus and the transnational organized crimes it promotes carry an ideological character. If indeed the current view of the state's monopoly of the use of force is too limited, or "one dimensional", it is perhaps because transnational organized crime and corruption have not been duly recognized as a geopolitical weapon.³⁴⁷

The political-criminal nexus is also a social structure within the state. Accepting that social structures determine fundamental state interests and identities, the constructivist approach to the study of international relations supports the inclusion of the political-criminal nexus to the of state identity. The manner in which it develops and behaves in international affairs is determined by state histories, actor motivations as well as the economic, political and cultural structures of the state.

³⁴⁷ Müller, 86.

2.3 Profiling the Post-Soviet Political-Criminal Nexus *

'Looking at the West as a wolf looks at a sheep, the Russian Mafiya intrudes in every field of Western concern: the nascent free market, privatization, disarmament, conversion of the military-industrial complex, foreign humanitarian relief and financial aid, even state reserves of currency and gold.

C. Sterling

In his Social Theory of International Relations, Alexander Wendt attributes identities to states that are constituted by internal and external structures.³⁴⁸ In fact, Constructivists argue: "Structures affect behavior and the very definition of identity and interests of states".³⁴⁹ Guzzini explains structure as something that must be understood as social 'practice', not as objective constraint, "...it cannot be materials only or even mainly".³⁵⁰ In fact, the view that social, not material, structures determine fundamental state interests, identities and international relations unites Critical IR theorists.³⁵¹

In the previous chapters, the political-criminal nexus was presented as a social structure within the state. Importantly, the view that social, not material, structures determine fundamental state interests, identities and international relations unites Critical IR theorists.³⁵² Thus, it can be asserted that as a social structure, the political criminal nexus is a formative component of state identity.

McIlwain identifies a social network as the relational structure of a social system consisting of the pattern of relationships among the collection of actors which is influenced by social, political and economic factors that place opportunities and constraints on individual action.³⁵³ Since the political-criminal network is a social network, it should be apparent that the relational ties within it form a structure that reflects the environment in which they exist. Each state's political-criminal nexus will have a specific character which is determined by the specific factors within that state. These facts, combined with the assertion that organized crime, the heart of the

* Part of this section has been published by the author in Trends in Organized Crime Roslycky, L.L. 2009. *Organized Transnational Crime in the Black Sea Region: a geopolitical dilemma?* Trends in Organized Crime Vol. 12: 21-29, see also Roslycky, L.L. and S. Konoplyov. 2009. *The post-Soviet Political Criminal Nexus and Transnational Organized Crime in the Newly Independent States*. In *Conflicts et sécurité dans l'espace mer Noire*, ed. Baptiste Chatré and Stéphane Delory, 145-158. Paris: Panthéon Assas.

348 Wendt, 1999:224.

349 Ibid., 72-73. See also Guzzini, 8.

350 Guzzini, 8.

351 Wendt, 1995:72.

352 Wendt, 1995:72.

353 McIlwain, 305.

political-criminal nexus, is “a hidden but nonetheless functional component of governmental structure” are valuable to the science of international relations.³⁵⁴ They make it possible to deduce that the political-criminal nexus not only reflects a state's identity but is an important component of it. Thus, it should be possible to profile the character of the political-criminal nexus of any given state.

Unfortunately, no single paradigm in International Relations theory has been identified which would explain the role and character of the political-criminal nexus. Only particular aspects of the phenomenon have been illuminated and they are rather limited.³⁵⁵ It is expected that knowledge of this part of state identity will lend to a better understanding of why certain states perceive one another the way they do. It will also make their actions and reactions in international relations more transparent.

In this chapter, at least some of these limitations will be overcome by constructing, or profiling, the character of a political criminal nexus. It has been shown that the specific character of any given state's political-criminal nexus is influenced by a number of considerations. Namely, the stage evolutionary model points to the need to be familiar with the historic, evolutionary, relationship between the upper and underworlds. The social network approach indicates that actor motivations and structural causes (i.e. economic, political, and cultural) play a key role in sustaining the nexus. Yet, it does not suffice to focus on the historic development of political-criminal relations, motivations and structural causes of the respective criminal and political elites. Rather, the specific conditions of their national environment, in light of contemporary world politics must also be considered.³⁵⁶

In the following sections, the aforementioned theoretical constructs are used to profile the post-Soviet political-criminal nexus. The post-Soviet political-criminal nexus has been selected for the following main reasons:

- 1) It is expected that the post-Soviet political-criminal nexus will be unique because it is rooted in the history of the Russian Empire. And, after the fall of the Soviet Empire, a once “internal” political-criminal nexus became an international one spanning the entire post-Soviet space.

- 2) The post-Soviet political-criminal nexus appears to be instrumental to Russian foreign policy. Particularly, it appears to threaten the transitions and sovereignty of those states in the Black Sea Region which have voiced a

³⁵⁴ Kelly, 103.

³⁵⁵ Schulte-Bockholt Alfredo, 15.

³⁵⁶ Godson, 21.

desire to either democratize or intensify cooperation with the Euro-Atlantic community.

3) The post-Soviet states in the Black Sea Region (i.e. Azerbaijan, Georgia, Moldova and Ukraine) constitute a pivotal global energy corridor. This is important because energy security is also an instrument of Russian Foreign policy. The Russian Federation has demonstrated the use of energy security as an instrument with which to influence Western engagement in areas it considers to be its “exclusive sphere of influence”. What is more, the energy sector is reputedly penetrated by transnational organized criminals.

4) All of the aforementioned states host separatist regions. The majority of which are renowned as black holes of transnational organized crime. Moreover, each separatist territory is openly supported by the Russian Federation and is considered either a Russian protectorate or enclave.

5) Separatist and insurgent groups rely upon covertness and illegitimate material support. It has been shown in Part One of this study that the ultimate effect of Hobbesian soft power operations is separatism through vertical cooperation. It is therefore foreseeable that if a post-Soviet political-criminal nexus which is centered on Moscow’s foreign policies exists, that its currencies are not limited to those of military or economic power (i.e. threats, force, payments, and sanctions). Rather, it is expected that the nexus also employs soft power currencies (i.e. Values, culture, policies, institutions) to promote ethnic conflict and separatism.

Thus, to profile the character of the post-Soviet political-criminal nexus, and eventually determine whether it is connected to the use of soft power and pro-Russian separatism in the Black Sea Region, particularly in the Autonomous Republic of Crimea, a number of steps must be taken. First, the stage-evolutionary model must be used to establish the historical development and roots of this political-criminal nexus. Second, the actors and their motivations must be considered. Third, the structural causes which have lent themselves to the development of the political-criminal nexus must be considered. Fourth, it is necessary to consider the manner in which the political-criminal nexus has figured in the foreign affairs of the post-Soviet states in the Black Sea Region. In this regard, special attention is given to the energy sector and frozen conflicts.

2.3.1 The Stage-Evolution of the Post-Soviet Political-Criminal Nexus

The stage-evolutionary model identifies three phases of political criminal relations, the *predatory*, *parasitic* and *symbiotic*. A third phase has been added to this model in which the level of symbiosis tilts and the upper world structures loose power and territory to the underworld structures. This additional stage has therefore been named *symbiotic tilt*. Let us now consider these stages as they pertain to the Russian Federation and the post-Soviet states.

In the *predatory stage*, organized criminals aggressively move to gain territory and power against the state.³⁵⁷ The oldest known organized criminals in the Russian Empire are the Vory-v-Zakone (thieves in law). Dating back to Tsarist times, the original nature of this organization was that of 'predator' against the state. The state was perceived as the enemy and any "Vor" (thief) who would act to the benefit of the state was punished by death. However, this relationship with the state progressed to the *parasitic stage* in the Soviet era.

The *parasitic stage* is where organized criminals feed off the state, and penetrate the establishment.³⁵⁸ Importantly, it is also at this stage that the relationship starts to move away from being a policing problem and becomes a matter of public policy.³⁵⁹ The anti-state Vory-v-Zakone transformed into an unofficial instrument used by the state against the political enemies of the Soviet regime. At this level, even though organized criminals fed off the formal structures, the Soviet regime still controlled the political-criminal relation. However, Soviet political-criminal relations transformed after the death of Joseph Stalin in 1953. This transformation is marked by the sponsoring of the black market in which *apparatchiks* offered organized criminals protection from the law in exchange for bribes.³⁶⁰ The [Vory-v-Zakone] leaders or "shop managers" were paid an illicit 30 percent margin for scarce consumer goods and the diversion of raw materials and finished goods from production lines to the Nomenklatura, the educated elite and criminals.³⁶¹

Symbiotic political-criminal relations became inherent to the Communist culture, which rewarded party members with status and access to informal structures

357 Lupsha, 31.

358 Ibid., 32; Naylor, 21

359 Lupsha, 32.

360 Sokolov V. (2004). From Guns to Briefcases: The Evolution of Russian Organized Crime, in World Policy Journal, vol. XXI n.1, Spring, p.69. Also, Gregoriy Perepelytsia, Director of the Foreign Policy Research Institute at the Diplomatic Academy of Ukraine, Personal Communication, Kyiv 21-01-2011.

361 U.S. Federal Bureau of Investigation (2008). The History of Eurasian Organized Crime. Available at: <<http://www.fbi.gov/hq/cid/orgcrime/eocindex.htm>>

and the shadow economy. This “reward system” legitimized the shadow economy and was, ironically, partially responsible for keeping the Soviet economy afloat.³⁶² At this level of political-criminal relations, the political no longer merely used criminals for its purposes; it became dependent on them infesting the Soviet Union and economy with corruption and criminality.³⁶³

With the fall of the Soviet Union this dependency on the criminal underworld revealed itself at a level of *symbiotic tilt*. Formal structures not only became subservient to organized criminals, organized criminals transformed into the figureheads of the state. Thus, the “unholy troika” of the mafia, *nomenklatura* and current and former members of the government, military and security services did not suddenly appear with the fall of the Iron Curtain.³⁶⁴ It is a result of a dynamic process captured by the stage-evolutionary theory of organized crime.

To date, the model has been primarily applied to political-criminal analysis within a single nation state. However, since the Russian/Soviet Empire was a highly centralized political amalgamation of states, nationalities and cultures which predated the Warsaw Pact, its collapse resulted in the internationalization of the political-criminal nexus. This is unique. It facilitates understanding of how and why this formerly Moscow centered political-criminal nexus affects the sovereignty of post-Soviet states. And, from a theoretical perspective, it supports the extrapolation of the stage evolutionary model to the international level.

2.3.2 Motivational and Structural Causes

To understand the post-Soviet political-criminal nexus as an existential threat to Western leaning, post-Soviet states in the Black Sea Region, it is necessary to be familiar with the specifics of the society from which a significant layer of their political-criminal nexus emerged. A significant part of the origin of the post-Soviet political-criminal nexus is found in the Soviet era.³⁶⁵ All of the Soviet states shared (albeit in an imposed fashion) important structural commonalities (i.e. economic cultural, political).

The Communist economy and product scarcity institutionalized the black market. After the system’s demise, the devaluation of the ruble exacerbated the problem, driving the citizenry towards crime. Simultaneously, the privatization of state

362 Shelly (2004:199) and Perepelytsia, personal communication, Kyiv.

363 Schulte-Bockholt, 164.

364 McCauley M. (2001). *Bandits Gangsters and the Mafia: Russia, the Baltic States and the Mafia*. London: Pearson. p 75.

365 Godson, 11. see also Shelly L. (2004). *Russia and Ukraine: Transition or Tragedy? In Menace to Society Political-Criminal Collaboration around the World*, Godson R. (ed.). London:Transaction Publishers. p 200.

property, which immediately followed the collapse, stimulated the political-criminal nexus into what has been named earlier as “buccaneer capitalism”.

Although the Soviet Empire collapsed, the states inherited the remnants of the Kremlin’s centralized networks. Among the remnants of the centralized Soviet machine, the “ties among members of successor governments that give the government in Moscow strong influence over most of the former Soviet Union” have remained.³⁶⁶ From a cultural perspective, state organized famines, the extermination of tens of millions of intelligentsia, obligatory institutionalization, imposed collectivization, centralized Russification, forced deportations, and institutionalized corruption are stark indicators of the Soviet value system from which the post-Soviet states and their “elites” have emerged. Criminologist Louise Shelly described their common legacy as one “of a lack of respect for the rule of law, absence of civil society, a large criminal underworld and shadow economy, endemic corruption and a demoralized law enforcement and legal apparatus” which “established the necessary preconditions for the development of a serious and sophisticated organized crime problem”.³⁶⁷

In the previous chapters it was noted that elites often give up power to maintain their societal status. The Soviet elite, *nomenklatura* and -notably- intelligence networks, were all partially preserved, and, it is they who snatched up much of the formerly state-owned property through unregulated and illegal privatization.³⁶⁸ This must be kept in mind, particularly in light of comments which assert “the influence of organized crime in Russia has waned when compared to that of rent-seeking oligarchs, large corporations, and the state security services.”³⁶⁹ Moreover, these ties help explain the existence of the Russian sphere of influence beyond its territory.³⁷⁰

At times, the hungry grab for power that started after the collapse of the Soviet Union resulted in the betrayal of the state itself. The focus here is on the upper crust of organized criminals, “the political and financial power of organized criminals of the Soviet establishment” that “strongly influenced the economic and political structures that emerged in the Commonwealth of Independent States since 1991”.³⁷¹ The creation of these structures supported the maintenance of power by the power

366 Roeder, 243.

367 Shelly L. (1999). Organized Crime in the Former Soviet Union: The Distinctiveness of Georgia. Transnational Crime and Corruption Center. Available at: <http://www.tracc.cdn.ge/publications/index_subject.html#crime>

368 Ibid., 200.

369 Sokolov, 68.

370 Roeder, 229-230

371 Schulte-Bockholt, 168.

keepers, particularly the communist elite and the Russian Federation. Philip Roeder noted the paradox: “contrary to a common neorealist assumption that states jealously guard their sovereignty”, several Soviet-successor governments “rushed” to limit their state’s sovereignty.³⁷²

Institutionally, this “rush” is exemplified by the brisk creation of the Commonwealth of Independent States, Common Security Treaty Organization and the Single Economic Space. Combined with Russia’s historically-imperial mindset, this hurried creation of post-Soviet intergovernmental structures is indicative of the power of pro-Russian political-criminal networks inside the post-Soviet states. The network clearly stands in opposition to democratic reform and Euro-Atlantic integration of the post-Soviet states.

Roeder also reiterates that weak states and states in transition are particularly vulnerable to the intensified development of the political-criminal nexus. From a political perspective, this group of states finds itself somewhere between transition and consolidation. Their “fluid and complex conditions” and “lack of functioning state structures” were conducive to the battle over the redistribution of power.³⁷³ And, since the time of their very independence, their transitional condition made them particularly vulnerable to the instrumentalization and development of the political-criminal nexus.³⁷⁴

Geopolitically, the fact that they emerged from the dominance of the Russian empire is important. The colored revolutions in Ukraine and Georgia were welcomed by some as a revelation of independence and democratic change in the region. Yet, according to Colonel Albert Zaccor (ret.) formerly at Office of the U.S. Secretary of Defense, the West may have over emphasized the importance of democratic election processes and colored revolutions rather than focusing on assisting the development of well-functioning state institutions.³⁷⁵

Conversely, Russia’s foreign policy of interference has been (and continues to be) identified as being “related to the export of the Russian model of governance, characterized by a symbiosis of neo-KGB structures, organized crime, state bureaucracy, and government connected big business.”³⁷⁶ It is also indicative of the Russia-centered nature of the post-Soviet political-criminal nexus. It is no secret that Russia overtly sought to influence elections in post-Soviet states by promoting

372 Roeder (1997). *From Hierarchy to Hegemony: The Post-Soviet Security Complex*. In Lake D. A., Morgan P.M. (Eds.) *Regional Orders: Building Security in a New World*. University of California Institute on Global Conflict and Cooperation: Pennsylvania State University Press.

373 Ibid., 16

374 Godson, 1

375 Zaccor Albert M. (2008) Colonel, Office of the Secretary of Defense, personal communication, 27 May.

376 Socor (2005). See also Jackson (2006).

candidates allied with the Kremlin. This policy is perhaps best depicted by its staunch support of the current President of Ukraine Viktor Yanukovich, a twice convicted criminal, and his Party of Regions received in 2004.

Furthermore, the ongoing governmental crises and/or frozen conflicts in Georgia, Ukraine, Moldova and Azerbaijan are examples of how self-serving officials and the lack of well-functioning public and private institutions continue to either lead these countries into a political abyss, authoritarianism, and/or Russia's "sphere of influence". Clearly, it is in the sovereign interests of these states not to maintain chaotic, weak and corrupt state institutions. By doing so, they offer a wide scope for foreign penetration. Particularly, their internal weaknesses have been exploited by companies which took over strategic assets in an attempt to tie their economies and futures directly to Moscow—just as they had previously done in Belarus and Armenia.³⁷⁷

Today, part of the 'old network' has converted itself into an international security problem. The networks, or *sviaszi*, transgress international borders, forming the region's post-Soviet "contemporary political-criminal nexus".³⁷⁸ Moreover, and in accordance with the stage-evolutionary model, some of these actors never lost the appearance of legitimacy, while others have now become "legitimized".

2.3.3 The Post-Soviet Political-Criminal Nexus in Foreign Affairs

It is interesting to consider some of the ways this political-criminal nexus, made up of the "unholy troika" of the mafia, *nomenklatura* and current and former members of the government, military and security services, rears its head in international relations. This will be done by turning attention to two major security interests namely, energy security and "frozen" separatist conflicts.

Energy Security

In the spring of 2008, US Attorney General Michael Mukasey identified the global energy sector as penetrated by transnational organized criminals who not only negatively impact the energy market, but destabilize US geopolitical interests.³⁷⁹ He concluded that corrupt business leaders, government officials and organized criminals form "iron triangles" capable of influencing the economies of many

377 Baran, Z.(2005). The Future of Democracy in the Black Sea Area, Testimony before the U.S. Senate Committee on Foreign Relations, March 5 Washington DC, p 2.

378 Shelley, 1999:209.

379 Mukasey M. (2008). Remarks Prepared for Delivery by Attorney General Michael M. Mukasey on International Organized Crime at the Center for Strategic and International Studies Washington, D.C. April 23, 2008. Available at: <<http://www.usdoj.gov/criminal/icitap/press/room/2008/apr/04-23-08-mukasey-speech.pdf>>.

countries, including the US.³⁸⁰ Recognizing the very serious threat posed by these “iron triangles”, the US Department of Justice identified organized criminal penetration of the energy and other strategic sectors as the number one threat in its Law Enforcement Strategy to Combat International Organized Crime.³⁸¹

In light of this criminal penetration of the global energy sector, it is important to note that unlike the West (formally), the Russian Federation does not separate its energy market from politics. In fact, the link between the two has intensified in recent years and Russia openly uses its Gazprom monopoly as a strategic geopolitical instrument. This game of Russian monopoly, which is played with Europe and the United States, is most obvious in the post-Soviet states in the Black Sea Region. Notably, it has been identified as one of the main impediments to their prosperity and democratic future.³⁸²

Energy security became a particularly burning issue after the Russian move to shut off the Ukrainian spigot on New Year's Day 2006.³⁸³ It was the first winter after the Ukraine's Orange Revolution which was widely supported by the U.S. and European states. Russia's strategic energy policy was illustrated by the chill felt in Europe from the public display of EU dependence on Russian energy supplies. Russian efforts to monopolize access to energy continue to be detrimental to regional stability and should be opposed.³⁸⁴ Nevertheless, the expected rise in demand for energy supplies - within Russia's own borders and internationally - indicates that it will be unable to fill all of its pipelines or satisfy demand.

This reality exposes Moscow's reliance on dwindling resources and Central Asian gas. Middlemen, secretive consortia and the mixing of “cheap” Central Asian gas with more expensive Russian gas enable Moscow to profit generously from the “energy-hungry economies” in the West.³⁸⁵ However, the Russian economy depends on the export of raw materials and energy. This weakness, combined with the will to reinforce influence, has led Moscow to actively resist the development of new routes from the Caspian fields, deny non-Russian firms access to its excess pipeline capacity promoting impetus to the West's policy of diversification.³⁸⁶

380 Ibid.

381 U.S. Department of Justice (2008). Overview of the Law Enforcement Strategy to Combat International Organized Crime, April 2008. Available at: <<http://www.usdoj.gov/criminal/icitap/press/room/2008/apr/04-23-08combat-intl-crime-overview.pdf>>.

382 Baran, 1.

383 This was done only after the election of a pro-democratic president. Russia's gas policies and the manner in which they are penetrated by the post-Soviet political criminal nexus are considered in greater detail in the following chapters.

384 Brzezinski, 149.

385 Cohen and Conway, 7.

386 Ibid. See also Cohen and Conway, 3.

Ukraine is the most important transit country for Russian gas. In the early history of the Soviet gas industry, it was a key energy producer and remains a significant gas producer with the potential to increase it.³⁸⁷ Its unproven oil and gas reserves lie mainly in the Poltava region and in the Black Sea. There is real possibility in Ukraine for resource drilling; the main “problem” is sanctity of contract.³⁸⁸ To the detriment of the state, Ukraine’s energy sector is infiltrated by self-serving officials from both sides of the political spectrum.³⁸⁹ For example, the former chairman of Ukraine’s Naftogaz, Ihor Bakai, was wanted in Ukraine on charges of money laundering and embezzlement. He received safe-haven in the Russian Federation despite being wanted for involvement in shadow energy deals between Ukraine, Russia and Turkmenistan.³⁹⁰ Ukraine’s Former Prime Minister and Head of United Energy Systems Pavlo Lazarenko³⁹¹, was convicted for embezzlement and shady gas deals in the United States.³⁹² He was accused of embezzling \$200 million by importing natural gas and oil and receiving kick-backs for providing private companies the right to exploit Ukraine’s natural gas market.³⁹³

The gas intermediary RosUkrEnergo, partially owned by Gazprom, is an example of how malfunctioning institutions open a wide scope for hostile penetration in Ukraine.³⁹⁴ During her election campaigns, and first time in office as Prime Minister, Yulia Tymoshenko waged an aggressive campaign against the Russian-Ukrainian intermediary. Under her Premiership, the Ukrainian security service (SBU) headed by Oleksandr Turchynov, opened an investigation of the company and its business partners.³⁹⁵ Turchynov openly stated that international mafia boss Semyon Mogilevich was linked to illegal activities including money laundering through RosUkrEnergo.³⁹⁶ Mogilevich, a longtime FBI fugitive was arrested by Russian forces in Moscow is also connected to the Solntsevo crime syndicate. Solntsevo is one of Moscow’s dominant crime families. Some analysts have linked his arrest to the

387 Pirani 9, 25

388 Merkel, personal communication.

389 Baran, 5.

390 Belton, C. (2006). US to Investigate Gazprom’s RosUkrEnergo, in St. Petersburg Times, posted 25 April, issue 1164/25..

391 Pavlo Lazarenko worked intensively on the question of the Russian Black Sea Fleet Accords. It is though him that the stationing of the Russian Black Sea Fleet became linked to gas “debt”. This is also considered in greater detail in the following chapters.

392 The stationing of the Russian Black Sea Fleet on Ukrainian Territory is “paid” for by resolving a gas debt Ukraine has to Russia. This debt has been disputed and even called “mythical” by a number of Ukrainian officials, considered further in following chapters .

393 Shelly 2004:213.

394 Socor, personal communication.

395 Pirani, S. (2007). Ukraine’s Gas Sector. Oxford Institute for Energy Studies, posted June. Available at <<http://www.oxfordenergy.org/pdfs/NG21.pdf>>

396 Kuzio, T. (2005). Tangled Russian-Ukrainian Gas Deals Provide Opportunities, Eurasia Daily Monitor Jamestown Foundation, Volume: 219
 Issue: 163, posted August 2005. Available at:
 <http://www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=30815&tx_ttnews%5BbackPid%5D=176&no_cache=1>

power struggle between influential Kremlin clans preceding the 2008 presidential change in Russia.³⁹⁷ It is noteworthy that Madame Tymoshenko is also known as the “Gas Princess” for her alleged role in United Energy Systems and cooperation with Lazerenko.

Here it is clear that the post-Soviet political-criminal nexus is a complicating factor through which both natural and legal persons continue to benefit from non-transparent energy deals and mixed middleman consortiums. They have little legitimate incentive to change their colors.³⁹⁸ This negatively impacts the peaceful transition and democratization of post-Soviet states. And, according to Stephen Blank, it is a result of Russia's foreign policy, “Russia's efforts at blackmail and intimidation by using the energy card, along with its energy firms' government connections and known association with intelligence and criminal organizations raise the specter of an orchestrated campaign to corrupt and undermine the foundations of democratic government in Eastern Europe more generally, not just in the Caucasus and the Balkans.”³⁹⁹

The negation of democratic processes in the Black Sea Region is perhaps most clearly, and disturbingly, realized through the political mayhem and uncertainty caused by the region's many separatist conflicts. In this regard it is important to note that the Russian Federation has made preferential energy deals with the breakaway territories within the post-Soviet states who have expressed their intention to democratize and join NATO.

“Frozen” Separatist Conflicts

The ancient Greek name for the Black Sea, *Pontos Axeninos*, means ‘dark or somber sea’.⁴⁰⁰ *Nomen est omen*; today, the naturally beautiful Black Sea Region hosts a number of frozen conflicts and breakaway territories. There are four pro-Russian separatist territories inside the post-Soviet states in the Black Sea Region. These are Abkhazia and South Ossetia in Georgia, Nagorno-Karabakh in Azerbaijan⁴⁰¹ and Transdnistria. A fifth locus of separatist tension is found in the Autonomous Republic of Crimea in Ukraine. The conflicts, although different, do

397 Bernstein, J. (2008) “Semyon Mogilevich's Arrest – A Blow to Medvedev, or a Favor?” Eurasia Daily Monitor, Jamestown Foundation, 28 January 2008. Available at: <http://www.jamestown.org/edm/article.php?article_id=2372754>.

398 Baran, 5.

399 Blank.

400 King, C. (2004). *The Black Sea: A History*. Oxford University Press, New York, xi.

401 This is the only conflict in the Region occurring between two post-Soviet states and Russia namely Azerbaijan and Armenia. The Russian Federation plays a key role in this conflict as well.

share significant commonalities which point to a Russian-centered character of the post-Soviet political-criminal nexus:

They are all strategically located around the Black Sea; they are located in states foraging new relations with Western institutions; the Russian Federation openly supports the separatists; the breakaway territories are Russian enclaves hosting Russian military forces (albeit under the guise of CIS peacekeepers or military bases); while weakening the state in which they are found, the breakaway regions provide Russia with a stronger presence in the Black Sea Region, and; the territories are reputed to be criminal black holes comprised of foreign military presence, corruption and transnational organized crime requiring a systematic approach.⁴⁰² In fact, The Center of European Policy Studies has concluded that ethnic conflict and separatism in the post-Soviet states in the Black Sea Region have a symbiotic relationship with transnational organized crime and terrorism.⁴⁰³

Importantly, Russia's chain of leverage determining the fate of the successor states and their break-away territories has been identified as being linked by former Soviet networks, self-serving officials and a significant military presence within their territories.⁴⁰⁴ The aforementioned territories, *de facto* states, exercise internal sovereignty without external legitimization. Thus, it stands to reason that the form of government of these separatist regions is illegitimate and their sources of revenue illegal.⁴⁰⁵ In this regard, it is important to note that it has been numerously asserted that Moscow not only backs separatism and breakaway territories but that they are even "orchestrated, and are being maintained, by Moscow's policies".⁴⁰⁶

The US and EU have expressed that Russia's step of opening administrative offices in conflict zones, specifically in Georgia, is wrong and violates state sovereignty. According to the U.S. Deputy Assistant Secretary for European and Eurasian Affairs, David Merkel, the separatist institution-building within the breakaway territories must be offset so that those populations will learn that democratic freedom has more to offer than the current status quo.⁴⁰⁷

In light of their policies and commitments, the United States and EU must not downplay the negative impact the frozen conflicts have on regional economic

402 Nazarov, personal communication.

403 Center of European Policy Studies (2005). The EU and Black Sea Regional Cooperation: Some Challenges for BSEC. Available at: http://www.ceps.be/wp.php?article_id=420

404 Roeder, 236.

405 Kemp, 46.

406 Socor, V. (2004) Frozen Conflicts: A Challenge to Euro-Atlantic Interests, in A New Euro-Atlantic Strategy in the Black Sea Region, Asmus, R.U., Dimitrov, K., and Forbrig, J. (Eds.). Washington: German Marshall Fund of the United States. pp 127-137 Also, Socor, V. Political Analyst East European Affairs for the Jamestown Foundation, personal communication, Cambridge MA, April 2008.

407 Merkel D. (2008). Deputy Assistant Secretary for European and Eurasian Affairs, personal communication, 12 June.

development and the domestic politics. Nor can the West downplay the added power these conflicts provide the Russian Federation. Apart from economics, “it has achieved the territorial gains which were never reversed and in some cases accompanied by massive ethnic cleansing that was never even addressed”.⁴⁰⁸ A prime example of such a territorial gain is the sealing of the border between South Ossetia and the rest of Georgia.

According to Tamas Landeszt, a former observer for the Organization for Security Cooperation in Europe (OSCE) mission in Georgia, the separatist movements have been supported by informal channels which facilitate the projection of Russia’s power beyond its lawful borders.⁴⁰⁹ Russian requests for exclusive peacekeeping power in the region, with no “external” oversight, no limits on unilateral actions, and no provision for timely withdrawal have been repeatedly denied by the UN and OSCE.⁴¹⁰ Despite the lack of such endorsement, gross violations of UN peacekeeping standards and the lack of interest in resolving the conflicts, Russia has successfully resisted the introduction of “external” peacekeeping forces to the territories of the region’s frozen conflicts.⁴¹¹

The blocking of OSCE peacekeeping support in South Ossetia and Border Monitoring Operations along Georgia’s northern border with Ingushetia, Dagestan and Chechnya has also been associated with Russia’s stake in the illegal arms trade.⁴¹² In fact, these enclaves have become known havens for illegal arms trafficking, drugs, prostitution, and illegal migration protected by a state.⁴¹³ Notably, the cause of the OSCE’s adoption of a complacent approach and the allowance of heavy weaponry, designated as “unaccounted-for treaty-limited equipment”, to be transferred from Russia’s arsenals to separatist enclaves has been identified as the result of “verification loopholes”.⁴¹⁴

From the above, it is possible to deduce that from the geopolitical perspective, the post-Soviet political criminal nexus is Moscow-centered and plays a key role in the geopolitical dynamics of the post-Soviet states, particularly in the Black Sea Region.

408 Socor, personal communication.

409 Landeszt T (2008). Former OSCE Observer in Georgia, personal communication, summer 2008.

410 Roeder, 223.

411 Ibid.

412 Jackson (2005), Landeszt,

413 Blank.

414 Socor (2005).

2.3.4 Conclusion

In this section the theoretical constructs developed in the previous chapters were used to create a profile of the post-Soviet political-criminal nexus. It is possible to conclude that the international security problems related to transnational crime in post-Soviet States in the Black Sea Region have a specific character. The stage evolutionary approach to organized crime shows how the formally Moscow-centered political-criminal relations of the Russian Empire and Soviet Union have transformed into a modern day, Russia-centered political-criminal nexus. It is a local, cross border externality.

The development of this nexus has been greatly shaped by their structural (i.e. economic, cultural and political) commonalities as well as their common fate, and histories. The post-Soviet political-criminal nexus is a combination of criminals, corrupt politicians, former nomenklatura and intelligence agents. Its actors are motivated by both material and political gains. This political-criminal nexus advances Russia's geopolitical interests and its character is inherently anti-democratic.

This political-criminal nexus is embedded in the energy sector which the Russian Federation uses as a foreign policy instrument. It also figures in another geopolitical dilemma of the post-Soviet states namely, separatist conflicts. These "frozen conflicts" simultaneously violate the territorial integrity and democratic development of sovereign states. Importantly, these areas not only cause the spread of organized criminal activity, they depend on it. Thus, it is possible to assert that the future strength of the post-Soviet political-criminal nexus, its effect on the region, and impact on international security not only depends on the domestic environments in which it operates but on the manner in which security organizations and Western states decide to address the problem.⁴¹⁵

⁴¹⁵ Shelly, 2004:201.

2. 4 Conclusion Part

Transnational organized crime was recognized as an international security threat after the Soviet Union collapsed. Ten years later, in 2001, the United Nations codified the first convention governing transnational organized crime. Corruption, money laundering and the obstruction of justice are the key elements of transnational organized crime.

Importantly, the dominant perception of transnational organized crime as an activity separate from the state is misconceived. Rather, the cooperative relationship between states and organized crime is a long standing one. The state itself has its origins in organized crime. Tilly argues that organized violence and crime is a part of the state making process. Horkheimer likens the behavior of states to organized criminal protection rackets. Importantly, Max Weber's concept of the state monopoly over the use of force does not preclude the state's use of transnational organized crime in the pursuit of its interests. Rather, he argues that the state itself can legitimize such activity as it deems necessary. A historical example of this sort of activity is the power of the *Lettre du Marque* that transformed pirates into privateers; when it was in the interest of the state.

The nature of the political-criminal relationship is dynamic. Organized crime can and does infiltrate state structures. The stage-evolutionary model describes how organized crime penetrates formal society eventually forming a symbiotic relationship. It is within this symbiotic relationship that the political-criminal nexus exists. An additional stage, the *symbiotic-tilt* has been added to this model. It has been named the *symbiotic tilt* because when the balance between the formal and informal structures tilts and the formal societal structures become more dependent on the informal ones, a transfer of loyalties from the state to criminal or insurgent structures occurs leading to an eventual loss of power and territorial control.

Some criminologists argue the non-ideological and apolitical nature of transnational organized crime, and it may only be on the fringes of the criminological discipline where authors are likely to accept its ideological nature.⁴¹⁶ However, by adjusting one's view of the state's arsenal to include transnational organized crime, a level of it that is political and ideologically driven is exposed. It is the political-criminal nexus.

Importantly, the political-criminal nexus is a social structure within the state. Every state has one, although states that are authoritarian, over-bureaucratized,

⁴¹⁶ Schulte-Bockholt, 21.

small, weak, or in transition are more vulnerable to national and transnational political-criminal penetration. The evolutionary nature of political-criminal relations, combined with its structural and motivational causes, makes it possible to profile the character of a given state's political-criminal nexus. In so doing, it is possible to examine its role in international relations and geopolitics.

Since the political-criminal nexus is a social structure of the state, it also influences its identity and the manner in which states perceive one another. The evolutionary nature of political criminal relations, combined with its structural and motivational causes makes it possible to profile the character of a given state's political-criminal nexus. Doing so facilitates the assessment of its role and influence on international relations and geopolitics.

The post-Soviet states in the Black Sea Region share a common layer within their political-criminal nexuses. This layer has been identified here as the post-Soviet political-criminal nexus. Its origins are rooted in Russia's Empirical and Soviet histories. Its actors include former nomenklatura, corrupt politicians, security agencies, and basic criminals. Importantly, these factors make it is a trans-state political-criminal nexus operating in the geopolitical interests of the Russian Federation. The number pro-Russian separatist conflicts and unrecognized breakaway territories in the region indicate a connection between the post-Soviet political-criminal nexus and Russia's interest in preventing the spread of democracy in the region.

Paradoxically, transnational organized crime is an international security threat and, simultaneously, a pivotal part of a state's identity; a weapon used in the state's quest for power. It has been noted that "Banditry, piracy, gangland rivalry, policing and war making all belong on the same continuum...."⁴¹⁷ However, the interplay between corruption, organized criminal activity and geopolitics remains a delicately silent policy area. The political-criminal nexus deserves particular attention and its activities are not limited to the corruption of a state's tangible power. It has been noted here that the political-criminal nexus is able to stimulate an underground economy, its societal structures are able to promote institutions that reflect the ideology and interests of the power to which it belongs. Significantly, insurgent groups use propaganda in the form of newspapers, magazines, radio, and television services to attract the loyalties of the population away from formal state structures. These are clear indicators that the political-criminal nexus uses soft power to gain geopolitical strength. Thus, albeit under the guise of promoting democracy or fighting

⁴¹⁷ Tilly, 170.

it, it is foreseeable that this "social" promotion of insurgency benefits the separatist group as well as the foreign governments, corporations and other transnational networks which may be backing them.

It is therefore particularly interesting to consider how the political-criminal nexus is used by states to gain geopolitical power by promoting insurgency and separatism with soft power.

PART THREE: A DARK SIDE TO SOFT POWER IN THE AUTONOMOUS REPUBLIC OF CRIMEA?

May we never confuse honest dissent with disloyal subversion.

- D.D. Eisenhower

3. Introduction

The third, and final, part of this research contains the case study. Here, the linkages between national security, soft power, separatism and the post-Soviet political-criminal nexus are examined. This part is divided into two chapters. The first sets the perspective; Ukraine's geopolitical position and the manner in which the post-Soviet political criminal nexus figures inside Ukraine are presented. To connect these linkages to the foreign policy of the Russian Federation, particular attention is given to the Russian Black Sea Fleet (RBSF) and pro-Russian separatism in the Autonomous Republic of Crimea. Special consideration is given to the city of Sevastopol where the fleet's main base is located. In the second chapter, a presentation and analysis are made of those Russian institutions which are linked to soft power operations aimed at trust-building between the Russian Federation and Ukraine's population in Crimea. In the end of this part, the framework for soft power security analysis is used to determine the relationship between soft power, the political criminal nexus and the promotion of separatism in the Autonomous Republic of Crimea in Ukraine.

To be able to consider the manner the interplay between soft power, the post-Soviet political nexus and separatism in Crimea, it is necessary to understand certain dynamics as they pertain to Ukraine. It is expected that this chapter will provide insight into the geopolitical situation as it has been shaped by geography, politics and military interests. First, a perspective of Ukraine's geopolitical position will be set. Second, a presentation will be made of Ukraine's post-Soviet political-criminal nexus. Third, building on the previous sections a brief history of The Autonomous Republic of Crimea and problems related to the stationing of the Russian Black Sea Fleet are presented.

3.1 Ukraine: Its Post-Soviet Political-Criminal Nexus, Crimea and the Russian Black Sea Fleet

Ukraine is the largest state in the post-Soviet security subcomplex in the Black Sea Region. Balancing between the West and East, its unique “borderland” position makes pro-Russian separatism in Crimea a particularly interesting case to study. Few will dispute Brzezinski’s assertion that without Ukraine, Russia can never be a superpower.⁴¹⁸ With a territory of 603,700 sq km (579,330 sq km land and 24, 220 sq km water), and over 2,700 km of coastline (Black Sea over 1,500 km, Azov Sea over 1,200 km), Ukraine has more territory than any other European state. It has a population of over 45 million and is administratively divided into 24 provinces (oblasts), two cities with oblast status (Kyiv and Sevastopol), and one autonomous republic (Autonomous Republic of Crimea). Its territory contains the largest stretch of fertile black soil (chornozem) in Europe and is also rich in natural resources including gas, oil, ferrous and non ferrous metals.⁴¹⁹

To indicate Ukraine’s geopolitical character, it is useful to recall a statement made by Ukraine’s former president Leonid Kuchma, “Ukraine is a football field on which Russia is playing against the West.”⁴²⁰ The Russian-Ukrainian relationship is still dominated by the fact that Kyiv is “the center of the first Slavic state, the Kyivan Rus, which during the 10th and 11th centuries, was the largest and most powerful state in Europe.”⁴²¹ Kyiv is the geographic heart of the ancient Rus, the mother-city of Belarus, Russia and Ukraine. And, although many of its ancient artifacts have either been destroyed or transported to Russia, Kyiv remains the heart and capitol of Ukraine.

In 1654, Ukraine was arguably subjugated to Russia by the signing of the Treaty of Pereyaslav.⁴²² Until gaining independence in 1991, it knew only a few short and partial years of freedom in the period 1917-1920. Ukraine’s Russian subjugation includes a long, ominous history and black Communist past. Due to its geopolitical significance to Russia, it is asserted that Ukraine suffered the main brunt of the

418 Brzezinski.

419 Central Intelligence Agency (2006). World Fact Book, Dulles: Potomac Books Inc. p 565.

420 Діак, 88.

See also Radyuhin, V. (2004). A Strategic Victory for Putin in Ukraine, The Hindu, India’s National Newspaper. Posted 23 November. Available at: <<http://www.hinduonnet.com/thehindu/2004/11/23/stories/2004112303811400.htm>>

421 Central Intelligence Agency, 565.

422 The Treaty of Pereyaslav was a military alliance entered into by Hetman Bohdan Khmelnytsky and Tsar Aleksei Mikhailovich on 8 January 1654. The alliance was petitioned Russian support in the Cossak-Polish wars in the Western parts of Ukraine. It resulted in Ukraine becoming the protectorate of Moscow, hence the name “Malo Rosiya” (Little Russia) and ultimately, in the subjugation of Ukraine. The fact that the treaty has strangely disappeared adds to the controversy surrounding its contents among scholars.

Kremlin's Twentieth Century atrocities.⁴²³ It includes two artificial, Kremlin-run famines (1921-1922, 1932-1933) in which over 8 million Ukrainians were murdered by forced starvation, enforced collectivization, mass deportations/relocations, mass killings, mass Russification and other forms of social and political suppression. Although, to date, it is the only post-Soviet state in the Black Sea Region to maintain its territorial integrity, Russia continues to covet its territory and history.

The 2004 presidential elections in Ukraine threatened to empower Western-friendly, democracy-oriented forces. An effective pro-Western president would permanently reduce the Federation's power over Ukraine and the entire Black Sea Region. Thus, one year before the eventful elections, in August 2003, Russia's foreign policy toward Ukraine intensified. For the first time since Ukraine's independence, Russia blatantly, and formally, violated its territorial integrity by attempting to connect its mainland to Ukraine's Tuzla Island.

The Russian Federation attempted to lay claim to the tiny island and thereby dominate the Kerch straight, a strategic passageway connecting the Sea of Azov to the Black Sea. It is a strategic body of water way because it connects the Black Sea to the carbon rich Caspian area through the Azov and Volga-Don canal. As a result of the construction, the Ukrainian Ministry of Defense charged the military to defend Ukraine's territorial integrity, and, it did.⁴²⁴ Remarkably, allegations that of a policy of dispersing Russian passports to Ukrainian citizens in the Black Sea Region, (which would be heard after the Russo-Georgian war of 2008), were already voiced. It was alleged that "certain Russian people" had been offering Ukrainian fishermen on the island, and in Kerch, Russian passports and the possibility of relocation.⁴²⁵

The Tuzla affaire marks the start of a new era of geopolitical games between the two Black Sea states. The attempted construction of the causeway violated Ukraine's sovereignty and international law. It also affected Ukraine's claim to territoriality and rights in the region by helping Russia secure a favorable deal, with Ukraine's outgoing President Kuchma, on the delimitation of the usage of the Kerch Strait. Russia's move sent a strong warning to Ukraine and should have been registered as a wake-up call by the West. It was only a harbinger of things to come.

The following year, in 2004, a civil uprising known as the Orange Revolution started after Viktor Yanukovich allegedly won the elections and was prematurely greeted as the victor by Russia's President Vladimir Putin. As the Orange Revolution gained momentum, it became clear the Ukrainian populace would not accept the

423 Hryshko, V. I., Pavlovych, P. P. & S.O. Pidhainy (Eds.), (1955). *The Black Deeds of the Kremlin : a white book*. Detroit: The Globe Press.

424 Roslycky & Boonstra.

425 Kerch Ferry Captain, personal communication, en route from Port Krim to Port Kavkaz, 22 June, 2006.

manufactured election results. Rumors started to emanate from pro-Russian circles that the “revolution” was organized and directed by the CIA and NGOs (covertly) funded by Western powers. However, another more worrisome set of rumors also started to circulate; rumors of pro-Russian separatism rang in Ambassadorial meetings and roundtables.⁴²⁶

Word of looming separatism drifted down the hallways, through information channels and onto the street. On 28 November 2004 (one week after the presidential runoff), a meeting was held in the Ukrainian city of Severodonetsk in which Moscow’s Mayor, Yuri Luzhkov (albeit not in his formal capacity) conspired with pro-Russian Party of Regions deputies of Ukraine’s indispensable economic regions (Donetsk, Luhansk and Kharkiv) to break away from Ukraine. Nonetheless the separatists’ attempt failed. For the first time in Ukraine’s modern history, over a million citizens demonstrated to secure a Western-friendly, pro-democratic president, Viktor Yushchenko.

Recognizing the Russian supported East-West divide as a serious threat to Ukraine’s national security, members of Ukraine’s nascent civil society spoke of yet another worrisome case. This time, it was in Ukraine’s Autonomous Region of Crimea (ARC). The conversations circled around Russian-Ukrainian tensions, occupied land, dubious unofficial state visits, business deals and the Russian Black Sea Fleet in Sevastopol. Markedly, the name of Moscow’s Mayor Luzhkov was mentioned, once again, among the instigators of separatism.

The events that followed Yushchenko’s inauguration exposed the extent to which Ukraine’s politics were riddled with the post-Soviet political-criminal nexus and problems of compulsive hedonism, inherent corruption, energy scams, debts, and issues related to the Russian Black Sea Fleet.

It was a chill fall day in 2006 when Oleksandr Sushko, a prominent Ukrainian political scientist, was interviewed in a café next to the ancient Golden Gates in Kyiv’s city center. The planned subject matter for that afternoon was the threat posed to Ukraine by the post-Soviet political-criminal nexus and transnational organized crime. The expert conceded that an effective post-Soviet political criminal network loyal to the Kremlin existed. However, he indicated that the real threat facing Ukraine’s democratic administration and national security did not emanate from traditional forms of organized crime (i.e. drugs, weapons, human trade). Rather, it was the fomenting of pro-Russian separatist sentiment in Crimea by non-

426 During the Orange Revolution, nightly diplomatic briefings were held by the democratic powers, usually chaired by Boris Tarasyuk, at the building of professional Unions (budynok prof-spilok) on Independence square (Maidan Nezalezhnosti).

governmental organizations operating on Moscow's behalf using support from Russian intelligence services and shadow economy funds.⁴²⁷

Consequently, the question of how soft power was used to promote subversive powers in Crimea and support the Russian Federation's military and political interests in Ukraine arose. However, more knowledge was needed to ascertain the veracity of claims pertaining to Kremlin oriented, anti-democratic and corrupt powers operating against Ukraine's national interests in Crimea.

Later that year, in a lavish room inside Ukraine's Foreign Ministry, Boris Tarasyuk the then Minister of Foreign Affairs, was interviewed. The minister confirmed that subversive, Russian-backed forces were operating inside Ukraine. Particular mention was made of the promotion of separatism in Crimea through the Russian Black Sea Fleet.⁴²⁸ This assertion was later confirmed by Vice Admiral Bezkorovainiy and representatives of Ukraine's pro-democratic civil society.⁴²⁹

Very serious Ukrainians had already affirmed the existence of pro-Russian forces working against the Ukrainian nation and its democratic reform. Then, in January 2007, in an offhand conversation with President Viktor Yushchenko, the president, whose severely disfigured face retold the story of his alleged assassination by dioxide poisoning in the months preceding the 2004 elections, confirmed that Russian-backed separatism associated with the Russian Black Sea Fleet in Sevastopol was a "major threat to Ukraine's territorial sovereignty".⁴³⁰ Of all allegations, his confirmed that research into how the post-Soviet political-criminal nexus promotes separatism in Crimea was warranted.

3.1.1 The Post-Soviet Political-Criminal Nexus in Ukraine

In this section, post-Soviet political-criminal nexus is going to be linked to practice in Ukraine. Let us be reminded that this nexus is a local, cross border externality in the post-Soviet states in the Black Sea region. The stage evolutionary theory of organized crime has shown how the formally Kremlin-centered political-criminal relations of the Soviet Union transformed into a security threat within post-Soviet

427 Dr. Oleksandr Sushko is the Research Director for the Institute for Euro-Atlantic Cooperation and Director of the Center for Peace, Conversion and Foreign Policy of Ukraine.

428 Tarasyuk, B. (2006, 2007, 2008, 2009). Former Minister of Foreign Affairs, Member of Ukrainian Parliament, personal communications, Kyiv, Ukraine.

429 Admiral Volodymyr Bezkorovainiy is the former fleet admiral of the Soviet Baltic Submarine Fleet and the Russian Black Sea Fleet, following the breakup of the Soviet Union he was Vice-Admiral of Ukraine's Fleet. (interviewed in Kyiv Summer 2007, Fall 2008, Spring 2010). Personal communications with representatives of Ukraine's civil Society include, Sushko O. (2006 and 2007), Senior Researcher at the Institute of Euro-Atlantic Integration, Kyiv. Yatsenko, O. (2007, 2009). President of Studentske Bratstvo and Parliamentary Aid, Kyiv. Kulyk S. (2007, 2009). Director of the NOMOS Center in Sevastopol.

430 Yushchenko V. (2007). President of Ukraine, personal communication, Kyiv.

states. This political-criminal nexus has been shaped by their common fate and Soviet Moscow-centered history.

The anti-democratic nature of the political-criminal nexus oftentimes makes its activities indiscernible from Russia's intelligence agencies. This aspect of its nature appears to be exemplified by Russia's support of frozen conflicts and breakaway territories in the post-Soviet states in the Black Sea Region. This foreign policy of interference has been identified as something "related to the export of the Russian model of governance, characterized by a symbiosis of neo-KGB structures, organized crime, state bureaucracy, and government connected big business."⁴³¹

Importantly, separatist territories not only cause the spread of organized criminal activity, they depend on it. However, the extent to which the political-criminal nexus is linked to the promotion of separatism through the use of soft power remains unclear. Thus, it is interesting to consider the Autonomous Republic of Crimea in this regard. The threat of pro-Russian separatism appears to have been used there to deter and obstruct Ukraine's transformation into mature democracy and Euro-Atlantic integration.

Despite optimism and support for national revival, cultural freedom and democratic reform, anti-Western forces - both inside and outside Ukraine - appear willing to break the state apart to prevent it. The fact that Russia's Black Sea Fleet is based on Ukrainian territory in direct violation of its laws, including its own Constitution, its provisional transitional articles, and an entire slew of administrative laws are major indications of corrupt and organized post-Soviet political criminal forces operating against Ukraine from within.⁴³² It points to the post-Soviet political-criminal nexus in so far as its activities transgress the law, are organized in the upper echelons of society and promote separatism in the interest of the foreign policy of the Russian Federation.

Those familiar with Soviet Communism, and the relationship between the Russian Federation and the former Soviet states, should not be surprised with the existence of subversive, Russian-friendly forces operating inside Ukraine's government, organized crime groups, security services, economic structures and civil society. A concise description of them and some of the ways they relate to organized crime has been presented in a book written by Dr. Ivan Diak, the former Lead

431 Socor (2005). See also Jackson (2006).

432 Article 17 forbids foreign military bases to exist on Ukraine's territory, see also Article 9 which stipulates that it is only possible to enter into international treaties which conflict with the constitution after constitutional amendment.

Consultant to the Director of Ukraine's energy company "NaftoGas Ukrayiny," the Secretary General of Ukraine's National Gas Union and Presidential Adviser.⁴³³

Diak asserts experts must be keenly aware of the major role corruption plays in influencing Ukraine's upper echelons. Markedly, western powers are not innocent of such behavior in Ukraine and, in the long run, the sorry state of affairs in Ukraine is first, and foremost, the responsibility and fault of Ukrainians themselves.⁴³⁴

In his book, "P'yata kolona v Ukrayini: zagroza derzhavnosti" (The Fifth Column in Ukraine: a threat to statehood) Diak describes how nine basic categories of Russia's social network impacts Ukraine's perceived power potential by giving effect to Russian foreign policy in Ukraine. These categories consist of: the bureaucratic, commercial, ethno-political, Slavic, former nomenklatura, religious-political (Russian Orthodox Church), military and renegade powers.⁴³⁵ Another author identifies the political actors of this "fifth column" as falling into one of the following categories:

1) The *Indushky* which are directed by Moscow, i.e. representatives of designated political powers which exist solely for their support from Moscow. The identified danger of these powers is that they are run exclusively by the Kremlin and, at the first sign that they will not follow orders of the Kremlin; they are converted into "political corpses".⁴³⁶ Clearly, not all members of this group belong to the post-Soviet political-criminal nexus. However, since their political life "depends on Russian support", it is possible to assert that their actions are not purely political. Thus, any crimes or grave, transgressions of the law are not restricted to purely political objectives. If they were, they would fall outside the realm of the Palermo Treaty against Transnational Organized Crime.

2) The *Trojan-Russian Trinity* which consists of politicians that temporarily side with the Kremlin, who, in exchange for supporting any given Russian interest over a national Ukrainian interest, receive dividends from Russia albeit political or economic in nature. The danger associated with this group is that its members do not associate themselves with social circles that are openly known as "friends of Russia".

433 Since 2002 Ivan V. Diak (Діак) has been the Lead Consultant to the Director of Ukraine's Energy Company "NaftoGas Ukrayiny", former Secretary General of Ukraine's National Gas Union, Presidential Adviser, Member of Ukrainian Parliament, Head of the Subcommittee on Gas Business of the Committee of Ukraine's High Council for the Fuel-energy Complex, Nuclear Politics and Nuclear Safety. He is also the author of over 150 academic articles and is a member of Ukrainian Union of Journalists.

434 Diak, I. V., (2007). Former Lead Consultant to the Director of Ukraine's Energy Company "NaftoGas Ukrayiny", Secretary General of Ukraine's National Gas Union, Presidential Adviser, Member of Ukrainian Parliament, Head of the Subcommittee on Gas Business of the Committee of Ukraine's High Council for the Fuel-Energy complex, Nuclear Politics and Nuclear Safety, personal communication, en route Kyiv-Amsterdam.

435 Diak (2006).

436 Tymchuk, D. (Тимчук Д.), (2008). The Fifth Column in Ukraine (Пятая колонна в Украине), written for Fleet 1017 (ФЛОТ2017), posted 29, October. Available at: <<http://flot2017.com/show/analitics/936>>

They carry an image of acting in the interest of Ukraine, but give effect to orders received from Moscow.⁴³⁷ Once again, because the actors within this group operate in Russia's favor to receive some sort of material benefit or advantage from the Russian Federation their acts are not purely political. Although as members of parliament, they may carry the advantage of immunity; their acts may nonetheless fall within the realm of the Palermo Convention.

3) The *Victims of Tradition* is, reportedly, the largest group of the "fifth column". Its members come from various layers of society. Reportedly, still "zombified" by Soviet stereotypes in relation to the West, they habitually "view Russia as their only feeder, and promote Ukraine's political, economic and cultural dependence on Russia", and, "their only ambition in keeping Ukraine sovereign is to be able to take advantage of the nation to satisfy their material needs".⁴³⁸ Thus, Russia's penetration is far reaching. However, the legitimacy and legality of the behavior of these actors working on Russia's behalf from within is unclear.

Democratic proliferation, particularly in Ukraine, not only inspired fear in Moscow, it did so within certain criminal clans, some of which dominated its "grey economy" predating independence.⁴³⁹ This fear is depicted by the fact that after the Orange Revolution and instatement of a democratic president and government in Ukraine, a number of these suspected criminals fled to the Russian Federation.

These personages include the Former Head of the State Management of Affairs Department, an institution that manages properties on behalf of the president and cabinet, Igor Bakai. Bakai was appointed in 2003 and fled to Moscow in December 2004. He was suspected of numerous transnational crimes and was charged with the illegal privatization of prime, state-owned properties (i.e. Dnipro Hotel, Ukraina Hotel and the Ukraina exhibition complex in Kyiv). The Mayor of Odessa, Ruslan Bodelan (1998 to 2005) was also charged with abuse of office and fled to Russia. Former Interior Minister Mykola Bilokon was wanted for suspicion of abuse of office, including financial abuses and orchestrating a clampdown on human rights and media freedoms, he too moved to Russia.⁴⁴⁰

It is noteworthy that when in Moscow, Bilokon was reportedly frequently visited by Igor Bakai and Maksim Kurochkin. Kurochkin, accused of extortion (Hotel Dnipro, an outdoor market, illegal acquisition of property and 3 sanatoriums in Crimea) was Russian business man the Head, and official founder, of the Russia

437 Ibid.

438 Ibid.

439 Jackson (2005).

440 BBC Monitoring (2005). List of Former Ukrainian Top Officials Accused of Hiding from Prosecutors, posted 25 June.

Club in Kyiv.⁴⁴¹ It is of utmost importance to note here that the club was linked through business, suspected organized criminals and, the promotion of Russia's image and political culture in Ukraine.

It is associated with prominent Russian "political technologists" who are linked to economic takeovers and the promotion of separatism in Ukraine. These gentlemen include Gleb Pavlovsky and Kremlin aide Igor Shuvalov who worked on the promotion of Russia and its pro-Russian presidential candidate (now president) Viktor Yanukovich. The Russia Club enjoyed active support from Russia's former Prime Minister and Ambassador to Ukraine, Viktor Chernomyrdin as well as other prominent supporters of Ukraine's former authoritarian president Leonid Kuchma.⁴⁴²

When Viktor Yanukovich became Prime Minister and the pro-Russian parties gained power, Kurochkin returned to Ukraine. However, he was assassinated in an apparent reprisal killing while awaiting trial. Another prominent figure to return to Ukraine is the Former Deputy Head of the State Secret Service (SBU) Volodymyr Satsyuk. Satsyuk was wanted by the pro-Democratic Ukrainian authorities in connection with abuse of office, forgery and the attempted assassination through poisoning of the 2004 Presidential candidate Viktor Yushchenko.

This short list of men who were either accused of or charged with organized criminal activity held top positions during the corrupt and authoritarian rule of ex-President Leonid Kuchma (1994-2005). The fact that they were granted protection by Moscow after Ukraine's Orange Revolution exemplifies why the Russian centered post-Soviet political-criminal nexus is considered part of a Russian fifth column in Ukraine. Russia was not only their safe haven it has even awarded some of them with Russian citizenship.

Five years later, after the inauguration of pro-Russian President Yanukovich, these formerly wanted criminals, enemies of the state, returned to Ukraine. Thus, Ukraine serves as an example of how the post-Soviet political-criminal nexus is linked to geopolitics. It also shows that when a political-criminal nexus has a centralized, transborder character like the post-Soviet one, states remain particularly vulnerable to external political and economic penetration.

To learn more about Russia's power in Ukraine, post-Soviet political criminal relations, and the dynamics of Ukraine's national struggle, over 100 citizens including executives and government officials were interviewed over a three-year period.

441 Ibid.

442 Maksymuk J. (2007). Belarus, Ukraine, and Moldova Report, Radio Free Europe/Radio Liberty. Posted 10 April. Available at: <<http://www.rferl.org/content/article/1347530.html>>

Repeatedly, a social structure operating from within the Kremlin's old social network against Ukraine's democratic transition was spoken of. A picture was painted of a vibrant force with an inimical distaste for Western democratization, driven by corruption, exclusivity, and money laundering through offshore bank accounts.

The narratives of organized criminals, secret agents, and politicians working to realize Russia's interests inside Ukraine meshed into a hybrid political-criminal network. Disturbing claims that this network was prepared to deter Ukraine's democratic transformation and western integration to the extent of sacrificing the most important part of its tangible power, namely, its territory called particular attention to activities related to the Russian Black Sea Fleet. However, the extent to which one could assert a post-Soviet political-criminal nexus was an instrument of an anti-democratic, Russian foreign policy of promoting separatism in the Black Sea Region and Crimea in particular remained unclear.⁴⁴³

3.1.2 Crimea and the Black Sea Fleet

The history of Crimea is very long and fascinating. Formerly named Taurida, the land includes legends of pyramids, Noah's Ark and fierce warrior women; the Amazons. It includes the histories of the ancient Cimmerians, Scythians, Greeks, Romans, Goths, Khazars and the Ottomans.

It was the year 1783 when Crimea was annexed by the Russian Empire. That same year, Prince Potemkin, acting under the orders of Empress Catherine the Great, established the Black Sea Fleet in Sevastopol. The Black Sea, a former Ottoman lake, provides the Russian Fleet the fastest outlet to the warm seas, and, naval power in the region. Since its establishment, the fleet has been of pivotal strategic importance to a virtually land-locked Russia.

The Black Sea Fleet is strongly tied to Russia's imperialist history and culture. Sailors from the entire empire and former republics have served on it for centuries. In Soviet times, Crimea and the Black Sea Fleet had a special status among naval men. They would normally first serve on the Baltic Sea, then the Pacific and in the final phase of their military careers, they would serve on the Black Sea Fleet. They would eventually have the opportunity to retire on the tropically weathered peninsula.⁴⁴⁴

443 For a further description of the post-Soviet Political-criminal nexus see Roslycky (2009) and Roslycky & Konoplyov 2009 (b).

444 Semenа, M. (Семена М.), (2006). Sevastopol's Call to Ukraine (Севастопольський виклик України), in National Deputy (Народний депутат), No 2 (14) 02/06. pp 76-80.

Today its ethnic population of nearly 2 million mainly consists of approximately 12% Tatars, 24% Ukrainians and 58% Russians.⁴⁴⁵

Since the proclamation of Ukraine's independence in 1991, the Russian Black Sea Fleet in Sevastopol - and its forces stationed elsewhere on Ukrainian territory - has been the cause of serious contention in Ukrainian-Russian relations. Throughout the years, using the Russian Black Sea Fleet's naval stronghold in Crimea, Moscow, and pro-Russian parties have continued to openly promote the reabsorption of Sevastopol, Crimea (and even Ukraine and Belarus) into Russia's 'federative' echelons.⁴⁴⁶

In 1991, when the Soviet Union fell apart, the sensitive question of ownership of the Black Sea Fleet arose. Despite the recognition of the Commonwealth of Independent States that the Newly Independent States of the Former Soviet Union would inherit the military bases located on their territory, as well as the territorial sovereignty and the inviolability of their existing borders, the Russians were not prepared to give up its Russian Black Sea Fleet to Ukraine.⁴⁴⁷ Thus, in Sevastopol and Crimea, the year 1991 also marked the start of political chaos and separatism directly connected to the Black Sea Fleet in Ukraine.

In 1992, the first legislative connection was laid between the Black Sea Fleet and Ukraine's sovereignty over Crimea. That January, the Head of Russia's Parliamentary Committee for Foreign Affairs and Economy, Vladimir Lukin, extended a resolution to the Russian parliament which pronounced the 1954 Supreme Soviet decision (under leadership of Khrushchev) to transfer ownership of Crimea to Ukraine null and void. To it, he added an appeal to the Ukrainian Parliament to speed up the negotiation process regarding the division of the Russian Black Sea Fleet.⁴⁴⁸ In his letter to the Speaker of Russia's Parliament, Ruslan Khasbulatov, Lukin openly recommended that Russia use Crimea as an instrument in Black Sea Fleet negotiations, "...after proclaiming the 1954 decision invalid, the Ukrainian leadership will face a dilemma: it will either agree to transfer the fleet (and its bases) to the Russian Federation, or the status of Crimea will be placed under question".⁴⁴⁹ Lukin's recommendation appeared to be heeded.

On 6 April 1992, Ukrainian President Leonid Kravchuk sent a telegram to all CIS states. In it, he noted a sharp degradation of the socio-political situation in

445 Crime Consulting, Geography of Crimea. Available at: <<http://www.crimeconsulting.com/crimea.html>>

446 See for example the policies of political parties such as Rus and the Progressive Socialist Party.

447 (Article 5 & 6) of the Agreement Establishing the Commonwealth of Independent States, 8 December, 1991..

448 Bezkorovainiy V. (Безкороваиний В.). (2011). The Massandra Protocol (Масандровской Протокол) in *Universum (Универсум)* Issue 209-210 pp 7-19.

449 ¹Ibid, (citing Komsomolskaya Pravda, 22 January, 1992. p 1).

Crimea as well as the Black Sea Fleet. The president declared the problems a direct result of Russia's continuous interference in Ukraine's internal affairs using the main command of the CIS joint forces and certain leaders of the Russian Federation. He identified the visits of Admirals Chernavin and Kapitanets as well as the Vice President of Russia, Rutskoy to Crimea as anti-Ukrainian acts directed against Ukraine's sovereignty and violations of Ukrainian law. Then, in accordance with an earlier decree (decree No. 209 on the immediate moves to building the armed forces of Ukraine dated 5 April, 1992), Kravchuk ordered the immediate transfer of Black Sea Fleet ownership to Ukraine.

The Russian Federation responded to this presidential decree with one of their own. On 7 April, 1992 Russian President Boris Yeltsin issued decree No. 375 and ordered: (1) the jurisdiction over the Black Sea Fleet to be transferred to the Russian Federation and subjugated to the Lead Commander of the joint CIS forces; (2) the confirmation that the Black Sea Fleet shall be financed by the budget of the Russian Federation, and; (3) the ministers of Defense and Foreign Affairs to immediately commence negotiations on the conditions for basing the Black Sea Fleet in Ukraine's ports and the transfer of a part of the Fleet to the Ukrainians.

The standoff created by these two Presidential Decrees, led the two sides to agree to the creation of delegations to negotiate the Black Sea Fleet. As a result, the Russian President cancelled his aforementioned decree and his Ukrainian counterpart cancelled his order to form the Ukrainian Navy on the base of the Black Sea Fleet. However, just over one month later, on 23 May 1992 at the Ukharniya Balta, in Sevastopol, where Ukraine's battalion "national gvardia" was located, a group of Black Sea Fleet intelligence under leadership of a reserve officer who served in Black Sea Fleet intelligence, was apprehended for placing explosives in two areas near the entrance of the Ukrainian base.⁴⁵⁰ The years that followed were marred with diplomatic wars and violence.

When the Soviet Union fell apart, a significant number of service men pledged their allegiance to Ukraine, not Russia.⁴⁵¹ In his book, "Anatomy of an Undeclared War (Anatomiya Neobyavlennoy Voyny)", Nikolai Savchenko describes how Russian intelligence agencies provoked socio-political harms on the fleet and on Crimean territory. Savchenko, a former Black Sea Fleet press officer, served on the fleet for 24 years, 10 of which as correspondent and editor of the Black Sea Fleet's newspaper. He gave an eyewitness account of the policy of maltreatment, ridicule

450 Ivanov, D. (Иванов Д.), (2009). Столица Русской Спецслужбы, in Glavred (Главред), October: Issue 9.

451 Bezkorovainiy (2011).

and violence ordered by the Russian commanders of the Black Sea Fleet against sailors who did not pledge allegiance to the Russian Federation.⁴⁵²

Savchenko also provided an account of how the GRU (Russian military intelligence) and FSB (Russian internal intelligence) services, attached to the fleet, played the “first violin” in creating socio-political tensions in Crimea. They infiltrated the media, government institutions and promoted anti-Western, anti-Ukrainian and anti-Tatar sentiment in the Crimean Peninsula.⁴⁵³ Simultaneously, the Kremlin-run communist party of Crimea was directed to “work very hard to discredit the push towards democracy by frightening Crimean citizens with nationalism and Ukrainianization”.⁴⁵⁴

The fact that over 20,000 Crimean’s were in someway connected to the Black Sea Fleet in Crimea made their perceived dependence stronger.⁴⁵⁵ In 2010 the number decreased to approximately 12,000. However, this population continues to be used promote the perception that, since the livelihood of 1 in 4 Ukrainian citizens in Sevastopol depends on the Russian Black Sea Fleet, it is in the “common interest” for the fleet to remain in Crimea, and removal of the fleet will result in an unemployment crisis.⁴⁵⁶ The common interest is a crucial element of a state’s national Strategic Purpose and soft power. Importantly, in 2006, Ukrainian services estimated the stationing of the fleet was draining the city budget by multimillions of dollars and even billions, if they were to include the lost potential of commercializing the port through demilitarization.⁴⁵⁷ However, whereas the Russian side maintained a strong media campaign to promote their cause, the Ukrainian side did not.

Back in the 1990’s, Russia’s frail international status prevented it from overt actions. It understood very well that, lacking juridical foundations to claim Crimea, raising the question of Crimea’s status in the international arena would further damage its already weak image.⁴⁵⁸ However, according to Vice Admiral Bezkorovainiy, although the status of Crimea was not addressed on the official, international level, it did remain an instrument of political blackmail between Russia

452 Savchenko, N. (2007) Navy Captain 2nd Rank, Former Editor of the Black Sea Fleet newspaper, Ukraine Black Sea Naval Forces Spokesman, personal communication, Sevastopol.

See also Savchenko, N. (Савченко Н.). (1997). *Anatomy of an Undeclared War (Анатомия необъявленной войны)*. Kyiv: Takі Spravi. pp 254-260.

453 Ibid.

454 Bezkorovainiy (2011).

455 Ibid.

456 Ukrainian Intelligence Agency (SBU) Information (Служба безпеки України (СБУ) Довідка (2006). Dated 17 December. p 4..

457 Ibid., p 6.

458 Bezkorovainiy (2011).

and Ukraine.⁴⁵⁹ An example of this blackmailing is depicted by the actions of Igor Kasatonov, the fleet's Admiral at the time. Admiral Kasatonov offered to hand the fleet over to Ukraine in exchange for the post of Minister of Defense. Kyiv's administration, under President Kravchuk, denied his request. And, as a result, Kasatonov retracted his offer and made his deals with Moscow.⁴⁶⁰

Kasatonov was not unique. In fact, it was part of Russia's foreign policy to use the GRU and FSB in order to promote anti-democratic sentiment in Crimea and recruit service men that were returning to, or serving, Ukraine. The policy was to bribe them to work against Ukraine, "Officers and Generals who agreed to serve Russia against Ukraine, were promised high ranking posts in the Russian army, financial rewards, apartments in any given region of the Russian Federation and other material incentives."⁴⁶¹ Thus, they were offered undue material advantages to desert or spy on Ukraine. This practice is indicative of how corruption was used by the Russian Federation to gain military power in Crimea, and other parts of Ukraine, furthering the development of the post-Soviet political-criminal nexus.

In the meanwhile, over a thousand kilometers away in Moscow, Russian Parliamentary forces continued to work toward invalidating the 1954 transfer of Crimea. On 21 May 1992, in a closed session of the Russian Parliament, a decree declaring the transfer of Crimea juridically invalid was adopted; it called upon Ukraine, Russia and Crimea to negotiate the peninsula's fate.⁴⁶² As tension and conflicts continued to surround the problem of the division of the Black Sea Fleet, the situation bounced from the fleet belonging to the Russian Federation, the CIS, Ukraine, to a joint command until 1995 (Yalta Agreement) and then a 50%-50% division.⁴⁶³

At the time, Russia's position to get control over the fleet and Sevastopol was still relatively frail. Thus, Russia turned to make yet another claim. While the fate of the Black Sea Fleet was being negotiated and Ukraine's sovereignty over Crimea threatened, the Russian Parliament made a distinctive move against Ukraine's territorial sovereignty. This time, it pertained to the city of Sevastopol. It was mid-July 1993 when the Russian parliament instructed the preparation of the draft law

459 Ibid.

460 Horbach, V. (2010). Political Scientist Institute for Euro-Atlantic Cooperation, written communication 29 June. See also Savchenko, (1997:15-17) and Bezkorovainiy (2011).

461 Savchenko, (1997:255).

462 Bezkorovainiy (2011).

463 Agreement between Ukraine and the Russian Federation on the terms of creating a Ukrainian Navy and Russian Black sea Navy on the base of the Black Sea Fleet, 17 June, 1993.

"enshrining the federal status of the town of Sevastopol in the Constitution of the Russian Federation"; the vote was passed with 166 for and 1 against.⁴⁶⁴

In Russia, the year 1993 marked a turning point away from Andrei Kozyrev's [Yeltsin's Minister of Foreign Affairs] pro-western so-called atlanticist orientation to a more nationalistic 'Russia first' approach that mirrored the position of supporters of Crimean separatism.⁴⁶⁵ That September was a harbinger of things to come. An unprinted, secret protocol, named the Massandra Protocol, tied a knot which married democracy in the Black Sea Region to the Black Sea Fleet and Russian energy. Ever since, this important, triangular linkage exists between Ukraine's sovereignty, Russian gas, and the stationing of the Russian Black Sea Fleet in Ukraine.

The Black Sea Fleet negotiations commenced in the town famous for Crimean wines Massandra. Not far away, the Presidents of the two countries were discussing the fate of democracy in both their countries. President Boris Yeltsin, facing increased political pressure from Communists at home, was losing support for his democratization policies. This made the manner in which Yeltsin handled the Black Sea Fleet pivotal to Russia's own democratic transformation. Yeltsin needed help to show himself to his parliament as a defender of the interests of the Russian state. The Massandra Protocol, which was the outcome of the negotiations, has been noted as a concession made by Ukrainian President Kravchuk to protect his Russian counterpart from disaster at home led by Rutskoy and Khasbulatov.⁴⁶⁶

On 3 September, the Ukrainian delegation was side-swiped by an unexpected move by the Russians. According to the Russian Diplomat and former Deputy Minister of Foreign Affairs, Dubinin, the situation was somewhat different. He asserts the presidential decision to link the negotiations to Ukraine's gas debt (at the end of 1993 it was estimated at 600 million dollars and 2500 million combined debt) was made by the presidents and then immediately announced.⁴⁶⁷ Yet, according to Vice Admiral Bezkorovainiy, the Russian delegation, led by Russian Prime Minister Chernomyrdin, refused to discuss the fleet before the Ukrainian delegation accepted the issue of energy debt.⁴⁶⁸ This move was entirely unexpected and the Ukrainians were unprepared to deal with this issue.⁴⁶⁹

464 Mizrokhi, E. (2009). Russian 'separatism' in Crimea and NATO: Ukraine's big hope, Russia's grand gamble. Written for the Chaier de recherche du Canada sur les conflict identitaires at le terrorisme, Université Laval p 2. Available at: <http://www.psi.ulaval.ca/fileadmin/psi/documents/Documents/Travaux_et_recherches/Crimee.pdf>

465 Ibid.

466 Bezkorovainiy (2011). See also Savchenko (1997:143).

467 Dubinin Y. V. (Дубинин Ю. В.), (2005). Diplomatic Marathon (Дипломатический Марафон), Москва (Moscow): Авиарус-21. p 164.

468 Bezkorovainiy (2011).

469 Ibid.

That evening, a rather extraordinary thing occurred. The two presidents announced at a press conference that the fleet and its entire infrastructure would be handed over to Russia and Russian symbols would be used in exchange for Ukraine's 2 billion dollar energy debt and all of its nuclear warheads.⁴⁷⁰ Curiously, that same evening, upon his return to Borispyl Airport in Kyiv, and, in the absence of Russian Press, President Leonid Kravchuk informed Ukrainian journalists that no decisions had been made regarding the division or sale of the fleet to Russia. The unpublished protocol caused a stir in the upper echelons and, although it closely mirrors the situation that followed, the Massandra Protocol never had any formal or legal effect.

The political tug of war over the fleet and peninsula continued. In 1993 (then again in October 1996), Russia's pursuit for power in the Black Sea region acquired a new dimension. The Russian Federation 'produced' a decree from 1948 which provided Sevastopol with a particularly special status. It asserted that Sevastopol was never an administrative part of Crimea. Based on this document the Russian side argued that the 1954 transfer of Crimea did not include Sevastopol and the city thereby always remained an integral part of Russia directly subordinated to Moscow.⁴⁷¹

During an interview with a member of Ukraine's sub-committee regarding problems arising from the Russian Black Sea Fleet stationing on Ukrainian Territory, the functionary (who requested to remain anonymous) alleged his first hand knowledge that the Russian side, feeling that it was losing its juridical fight for Crimea, falsified the 1948 document behind closed doors in the Kremlin. His assertion is confirmed by political scientist B. Gorin who describes the manner in which pro-Russian forces, particularly through A. Kruglov (a Crimean parliamentary deputy, founder of the Sevastopol-Crimea-Russia party for the reunification of Crimea with the Russian Federation) falsified and suppressed documents to make the 1948 document appear juridically valid.⁴⁷² Once again, these allegations point to a post-Soviet political-criminal nexus which promotes Russia's foreign policy interests. Despite this, the document continues to be used in negotiations between the two states.

470 Ibid. See also, *Crimean Truth* (Крымская правда), (1993). Posted 7 September.

Also, Kuzio, T. (1996). DUMA Explicitly claims Sevastopol for Russia in *Eurasia Daily Monitor* Volume 2 Issue 200, posted 25 October. Available at: <http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=13815&tx_ttnews%5BbackPid%5D=210>

471 Bezkorovainyi (2011).

472 Gorin B. (Горін Б.), (1993). The Kitchen of Political Provocation (Кухня політичної провокації), in *Crimea is Not Only a Zone of Rest* (Крим це не тільки зона відпочинку), Lviv (Львів): Поклик Сумління.

In the end, it took 4 years for the matter of the Russian Black Sea Fleet to be partially and temporarily resolved. The Black Sea Fleet Accords were signed in May 1997. Ukraine received 18.3% of the ships and the Russian Federation 81.7%.⁴⁷³ The 20-year rental agreement stipulated that rather than paying Ukraine in kind market prices for the rental of the base and its infrastructure, the Russian Federation was to deduct an annual amount of \$97.75 million from and (alleged) gas debt Ukraine had incurred since its independence.⁴⁷⁴ There are very many controversial aspects to the agreements. They include the unequal division and exceptionally low amount paid for the ships, the rental of the base and its infrastructure and, moreover, the reality that the entire agreement violates Ukraine's constitution, and arguably its transitional articles as well. A number of sub-commissions have been created to address at least some of the problems which have arisen as a result.

Sub-commissions for the stationing of the Russian Black Sea Fleet

The main hard power problems emanating from the presence of the Russian Black Sea Fleet are dealt with by the special sub-commissions for the stationing of the Russian Black Sea Fleet. There four key areas: 1) questions related to navigation hydrographic support systems (NHS); 2) inventory; 3) environmental damage caused by the Black Sea Fleet and; 4) Russian intelligence services. In regard to point 4, it has been noted that Russian secret services give effect to of Moscow's policies which transform the rather peaceful city of Sevastopol into a territory of social upheaval which receives international media attention.⁴⁷⁵ Thus, the role played by Russia's intelligence services in causing socio-political havoc in Crimea is of paramount importance for the research at hand. It points to strategic use of soft power by the Russian Federation inside Ukraine. Thus, it is considered in detail in the following chapter.

The other three areas of contention relate (mainly) to Ukraine's tangible power potential in serious ways. It is not the purpose of this study to provide a detailed account of the problems associated with inventory, hydrographic navigational systems or the environment - although the issues are worthy of attention, and are not without impact on Ukraine's soft power security. Thus, it is necessary to present them, at the very least, briefly.

473 (Article 4) Agreement between Russian Federation and Ukraine pertaining to the Black Sea Fleet 9 June, 1995.

474 (Article 2) Agreement between Ukraine and the Russian Federation on mutual payments to be made in relation to the division of the Black Sea Fleet and the stationing of the Russian Black Sea Fleet on Ukraine Territory, 28 May 1997.

475 Ivanov.

Inventory

One of the largest problems regarding the stationing of the Black Sea Fleet is the fact that Ukraine has been unable to inventorize the lands, buildings or technical materials in use by the fleet. This is because the Russian forces would not allow Ukraine to take inventory of these properties. Importantly, according to Ukrainian law, inventory is a crucial element of a rental agreement without which a rental agreement cannot exist.⁴⁷⁶ Thus, some Ukrainian experts have argued that there is no rental agreement at all between the Russians and Ukrainians because the necessary inventorisation has never taken place.

Virtually no inventory has been made of the majority of technical materials. The exact number of technical instruments and other materials in use by the Russian Federation - as well as the profit earned by their (illegal) sale or sub-rental by the Russians to third parties is likely never to be known. Another scandal refers to the sale by Russia of Ukrainian property, including the Sevastopol ship repair yard of the BSF (known as 13th ship repair factory BSF).⁴⁷⁷ Furthermore, it is estimated that only 1/3 of the wharves are used by the RBSF in the designated manner, the fleet "has not yet returned to the local authorities a large amount of land and objects including 18 parcels of land (totaling over 23 hectares) on the territories of the cities of Feodosia, Yalta, Evpatoria, Saki and areas of the Black Sea. For some "unknown reason" these territories are not included in the appendix to the 1997 agreement."⁴⁷⁸ According to the Main Department of Land Resources of the City of Sevastopol, the Russian side unlawfully exploits 121 parcels of land (total about 37 hectares) with over 160 objects of real-estate, 10 marinas and 42 shore reinforcements 6.2 thousand meters in length.⁴⁷⁹

The Ukrainian side purports that thousands of hectares of Ukrainian land and at least one public road are illegally occupied by the Russian forces in Crimea. The assertion regarding the road was verified in 2007. Armed Russian officers stood at a barrier in the middle of the road leading up to a radio center and dolphinarium. The soldiers refused the car entry and ordered it to turn around. It was only after the driver insisted to be permitted to pass, stating it was a Ukrainian road and we were wished to visit the dolphinarium, did the Russian officer permit access to the road.⁴⁸⁰

476 Inventory and rental are conditions of the 1997 Agreement Governing the Stationing of the Russian Black Sea Fleet in Ukraine. Because of the lack of inventory many Ukrainians argue the Russians are in violation of the treaty and there is no rental agreement between the two states.

477 Logvinets.

478 Protsyk P. (Процик П.), (2009). BSF and Ukrainian Politics. Incomprehensible PR, (ЧФ РФ И УКРАИНСКИЕ ПОЛИТИКИ. Непонятный пиар), Written for Fleet2017 (ФЛОТ2017), posted 3 December. Available at: <<http://flot2017.com/show/opinions/15201>>

479 Ibid.

480 Footage available from author.

The reason for this continued situation may be that there are official and unofficial appendixes. According to two sources, the formally accepted appendixes which list the objects and territories rented to the Russian Black Sea Fleet are not the active ones, particularly a secret map apparently exists in which the territories currently occupied are identified and agreed upon. To date however, it has not been possible to verify the veracity of these claims.

Navigation Hydrographic Support (NHS) Systems

A number of Hydro-navigational systems belonging to Ukraine have been allegedly occupied by the Russian forces. This includes lighthouses and the Mars-75 station which transmits exact navigational information to ships, also known as “the sailor’s eyes”.⁴⁸¹ The occupation of these systems is particularly problematic because it violates an integral part of its sovereignty as it prevents Ukraine from fulfilling its international obligation of securing the safety of its territorial waters (in accordance with the UN Convention on Law of the Sea). Ukraine, as well as other maritime states, is legally responsible for the navigational hydrographic support for the navigation in their territorial waters before other states. Therefore, according to Ukraine’s Ministry of Foreign Affairs, the “undisguised unwillingness of Russia to convey to the Ukrainian party its pertinent entities of infrastructure of the navigational hydrographic support (hereinafter referred to as “NHS”) of navigation security located at the coast of the Crimean peninsula from the Tarhankut cape to the Ayu-Dag cape disenables Ukraine to fulfill its international obligations in the sphere of ensuring navigation security and may result in unforeseen consequences” furthermore, “... The NHS located in the territory of Ukraine and kept by the Black Sea Fleet of the Russian Federation are not included in the said Annexes. Moreover, pursuant to the article 17 of the Act of Ukraine of the Admission Procedures and Disposition Conditions for Elements of Armed Forces of Foreign States in the Territory of Ukraine of March 19, 2003, the said entities are not subject to lease.”⁴⁸²

Although the Ministry of Foreign Affairs has repeatedly called upon the Russian Federation to return immediately the navigational-hydrographic properties which are unlawfully used by the RBSF these calls have not been heeded. Moreover, on 16 June 2009, the RBSF ignored yet another order, this time from the Kherson Oblast

⁴⁸¹ Logvinets.

⁴⁸² Ministry of Foreign Affairs of Ukraine (2006), Commentary of the Press Service in connection with the court decree on expropriation of the Navigational Hydrographic Support in Crimea, posted 1 September. Available at: <mfa.gov.ua/mfa/en/publication/content/6863.htm>

court, thereby breaking international norms and laws as well as Ukrainian national laws and the 1997 treaty.⁴⁸³

The decisions of Ukrainian courts and functionaries are regularly blatantly disregarded, "When court bailiffs tried to serve papers at a lighthouse here in August, they found themselves surrounded by armed troops from Russia's Black Sea Fleet who delivered them to police as if they were trespassing teenagers."⁴⁸⁴ Although such acts are apparently not new, a spokesman from the Ministry of Foreign Affairs expressed surprise at the behavior, "The Ukrainian party does not accept and is amazed at the statements of the Russian party on non-recognition of the court decrees of Ukraine in the NHS entities as such position contradicts the international law standards and the legislation of Ukraine."⁴⁸⁵

Environmental damage

The RBSF allegedly causes serious and repeated environmental damage to the aquatic life in the Black Sea. This includes chemical waste, exhaust materials related to the war machinery as well as the pollution of Sevastopol's bays with oil spills.⁴⁸⁶ However, as is the case with other Ukrainian authorities, the environmental protection agency has struggled to gain access to affected areas. Moreover, the damage to the water and sea life by the Fleet's operations occurs without any sort of notification or reparations.

Linkages to informal gas deals

Some may argue that the division of the fleet and the manner in which it was done belongs to the realm of normal interstate relations. However, it is important to bear in mind that, at the time, most of the functionaries were former higher communist party members, who for many years served their republics under the direct orders of the Kremlin. One must also be reminded that the former *nomenklatura* has been identified as one of the social-networks belonging to the post-Soviet political-criminal nexus. Of course, not all former higher communist party members belong to Russia's political-criminal nexus. However, as it pertains to the uneven division of the Black Sea Fleet and the violation of Ukraine's constitution in regard, it is necessary to consider a number of actors involved, particularly, Pavlo Lazarenko, the Ukrainian Prime Minister who signed the Black Sea Fleet Accords. Important links appear to

483 Logvinets.

484 Pan.

485 Ministry of Foreign Affairs of Ukraine.

486 Ivanov.

exist between the Russian Black Sea Fleet, his business dealings as they pertain to natural gas, Ukraine's gas debt and Yulia Tymoshenko.

Pavlo Lazarenko was Prime Minister for a short period between 28 May 1996 and 2 July 1997. According to UN estimates, during this period he embezzled approximately \$200 million USD through shady natural gas and oil deals and kick-backs from private companies given the "right" to exploit Ukraine's natural gas.⁴⁸⁷ In Ukraine, the charges against him are more serious. The prosecutor general has accused him of murder, money laundering and the embezzlement of approximately 800 million USD.⁴⁸⁸

According to the Lead Prosecutor at Lazarenko's trial Martha Boersch, at the time Lazarenko was in power: "If you wanted to do business in Ukraine at the time, you had to go through Lazarenko fifty-fifty: 50% of your profit and 50% of your business".⁴⁸⁹ At this time Yulia Tymoshenko, one of the leaders of the 2004-2005 Orange Revolution, was a business woman in Ukraine, and, involved with Lazarenko's dealings. In fact, in the early 1990's when Lazarenko became the first Vice-Prime Minister for Energy, she and her husband Alexander Tymoshenko and Alexander Gravitz formed an energy company called United Energy Systems of Ukraine (UESU). According to former Federal Prosecutor Jonathan Howden, that company received the right to distribute natural gas in Ukraine and, "a disproportionate number of state contracts in the form of gas were directed from Russia to UESU causing "a tremendous transfer of wealth to this company at the expense of the public purse".⁴⁹⁰ Howden asserts that "UESU was supposed to distribute Russian natural gas in Ukraine, get the money for it and then, as it turned out, they ultimately would share half of their profits with Lazarenko. That was the deal: in exchange for the right to distribute, he would get half of their profits. What actually happened is UESU would have another off-shore shell company called UEIL receive the money rather than UESU so that the money was taken out of Ukraine, taken to London, into Cyprus and the money from UEIL would be used to pay Lazarenko."⁴⁹¹

According to Boersch, the Lazarenko-Tymoshenko tandem is at the root of many Ukrainian-Russian crises. "Because the money was being siphoned off by

487 Kyiv Post (2008). Pavel Lazarenko, Posted 10 December. Available at: <http://www.kyivpost.com/news/nation/detail/31845/>. See also: Shelly 2004:213.

488 Ibid.

489 Stealing Popcorn (2009). Film Documentary, Executive Producer K. Hayes made by Haze ProductionZ. Available at: <http://stealingpopcorn.com/>

490 Ibid.

491 Ibid.

Lazarenko and Tymoshenko, Ukraine at the time, as they have today, ran up a huge gas debt to Gazprom and by the end of 1996 they owed RAO-Gazprom, which was the primary Russian supplier of natural gas about 200 million dollars. And so they went through the whole crisis with Russia... with respect to Ukraine's debt to Russia for the natural gas. Had the money not gone into Lazarenko's pockets perhaps they may not have had the debt that they have."⁴⁹² Coincidentally, less than two months before Lazarenko was dismissed in 1997, he signed the anti-constitutional Black Sea Fleet Accords based on Ukraine's gas debt.

The following year Lazarenko and Tymoshenko ran from the same party ticket in Ukraine's 1998 Parliamentary election. However, Lazarenko was destined to stand trial in the United States. Yulia Tymoshenko's status in the case remained – interestingly - an "unindicted co-conspirator". Most of the counts against her relating to UESU were dismissed for lack of direct evidence. According to Jason Felch, an investigative reporter for the L.A. Times, the reason Tymoshenko remained an "unindicted co-conspirator" was closely related to US interests and geopolitics than one may initially expect. Felch asserts Tymoshenko was not indicted because "the political interests of the United States government, at the highest level, probably didn't want Yulia Tymoshenko drawn into the Lazarenko case. Less than one year after Lazarenko was convicted, Ms. Tymoshenko became the first female and pro-democratic Prime Minister in Ukraine's history."⁴⁹³

In Ukraine, the authorities charged Lazarenko with organizing the murder of Ukrainian MP Yevhen Shcherban and his wife, the former President of Ukraine's national bank, Vadym Hetman and others.⁴⁹⁴ Based on these charges, Ukraine requested his extradition from the United States. However, he remained in the US and was convicted for embezzlement in 2006. Paradoxically, and indicative of how deeply embedded the political-criminal nexus in Ukraine is, the convicted criminal promised to return to Ukrainian politics. In 2006, he won a seat *in absentia* in the Dnipropetrovsk's Oblast. To date, he remains in prison in the United States. However, a most curious controversy, which has received very little attention, requires consideration here. It pertains to the aforementioned gas debt which played a key role in Black Sea Fleet negotiations between the Ukrainians and Russians.

In 2006, during an interview with a top level executive at Ukraine's Foreign Ministry it was mentioned that the Ukrainian state did not have gas debt for the period 1991-1997. Moreover, it was asserted that the amount set in the Black Sea

⁴⁹² Ibid.

⁴⁹³ Ibid.

⁴⁹⁴ Kyiv Post (2008).

Fleet accord was, in fact, made up by those with a vested personal interest in money and keeping Ukraine dependent on the Russian Federation. This is a very serious allegation. If true, it points to high-level transnational organized criminal activity as well as the subversive nature of the political-criminal nexus within Ukraine. Unfortunately, the executive did not offer any more details.

However, more than 3 years later, in 2008, a similar (this time public) allegation was made. The Chief of Ukraine's intelligence (SBU), Valentyn Nalyvaichenko stated, "I know for sure that the sum of the debt allegedly accumulated between 1991 and 1997 was actually spun out of thin air..."⁴⁹⁵ Curiously, if both Nalyvaichenko and the top Ukrainian official both have knowledge and proof that the debt has been "spun out of thin air", and since Ukraine's democratic government did nothing about it, such allegations indicate the corrupt nature of certain post-Soviet government officials in the upper political echelons of Ukraine and Russia. They are also indicative of how the political-criminal nexus embezzled hundreds of millions of dollars from Ukraine's citizens and simultaneously lowered the capacity of Ukraine's own institutions and perhaps even made the state pay for it by allowing a foreign military presence on their territory.

After the 2004 election of Victor Yushchenko, Ukraine's first pro-Western president, the Russian Federation intensified its aggressive foreign policy towards Ukraine. Preceding Ukraine's vote for democratic leadership, an agreement was signed by the two states. It stipulated the price Ukraine would pay Russia's energy monopoly Gazprom was fixed at \$50/1000m3 for the period 2004 - 2009.⁴⁹⁶ Then, in the dead of winter on 1 January 2006, amid accusations that Ukraine was stealing gas designated for the European market, the Russian Federation shut down its gas supplies to Ukraine. In violation of the aforementioned agreement, the Russian Federation demanded Ukraine pay market prices for the gas and insisted the price increase was not connected to Ukraine's democratic choice. Rather, it simply proclaimed its lost desire to subsidize post-Soviet states and Ukraine was ordered to pay \$130/m3 which was closer to market prices for the gas.⁴⁹⁷

Gas and talk of market prices brought the issue of the Russian Black Sea Fleet to surface again in the news. It also called Ukraine's territorial sovereignty into

495 Mostovaya, Y. (Мостовая, Я.), (2008). Valentyn Nalyvaichenko: We should become more sober-minded and Nationally selfish (Валентин Наливайченко: Ми повинні стати більш тверезий і національно егоїстичними), in *The Weekly Mirror* (Дзеркало тижня), No. 30 (709), posted 16-22 August.

496 Tymchuk, D. (Тимчук Д.), (2008). Plus passportization of a Foreign Country (Плюс паспортизація чужої країни), in *Ukrainian Truth* (Українська Правда), posted 09 September. Available at: <<http://www.pravda.com.ua/articles/2008/09/9/3551941/>>

497 Finn, P. (2007). Russia's State-Controlled Gas Firm Announces Plan to Double Price for Georgia. In *The Washington Post*, posted 11 March. Available at:

<<http://www.washingtonpost.com/wp-dyn/content/article/2006/11/02/AR2006110201520.html>>

question. In response to the price hikes for Russian gas, the Ministry of Defense of Ukraine stated that Russia should prepare to start paying market prices for its stationing of the Black Sea Fleet in Crimea and, what is more, to prepare to leave Ukrainian territory in 2017.⁴⁹⁸ The Russian Minister of Defense, Sergei Ivanov, responded, with a thinly disguised threat of taking Crimea away from Ukraine.

He stated that a revision of the rent contract might lead to the renunciation of the 1997 Friendship Treaty.⁴⁹⁹ This was an outright threat because this is the treaty in which Russia recognizes the 1954 borders of Ukraine. And, 1954 is the year Crimea was transferred to Ukraine.⁵⁰⁰ Several Russian legislators chimed in. Unlike Ivanov however, they were explicit. For instance, Duma MP Faction LLPR A. Savelyev asserted: "The return of entire Ukraine to Russia is more realistic than just the return of Crimea.... The country is on the brink of federalization, and this is why it will enter the Russian Federation gradually, with individual subjects signing agreements regarding entry into the Russian Federation".⁵⁰¹ Other Duma members exclaimed, "Sooner or later the Crimea will be reclaimed," and, "To make the Crimea again part of Russia will be an absolutely right decision."⁵⁰²

As chaotic and self-loathing as the Orange Coalition was, its Presidential Administration, Ministry of Foreign Affairs and Ministry of Defense were consistent with notifications pertaining to the fleet. In accordance with Article 25 of the 1997 Agreement governing the status and stationing of the RBSF, the Russian Federation had been informed the treaty would terminate in 2017 and Russian forces were requested to prepare departure accordingly.⁵⁰³

The Russians appeared to ignore such notifications and requests. However, their soft power approach toward the Crimean peninsula intensified. An internal, document from Ukraine's intelligence in Crimea noted that Russian and Crimean mass media organized a large PR-campaign to spread commentaries of Russian military-political experts accentuating the unacceptability of the removal of the Russian Black Sea Fleet from Crimea after 2017. One of the ways this was done was by increasing the number of local pro-Russian publications (e.g. *Russkaya*

498 During an interview with Ambassador Viktor Semenov (Kyiv, winter 2007) I was informed that Ukraine was in a position to pay off the remaining gas debt connected to the stationing of the Russian Black Sea Fleet that year. Although this move would benefit Ukraine and allow it to renegotiate the rent to be paid, the state of Ukraine, under Foreign Minister Ogrzyzko opted not to pay of the remainder of the debt.

499 Lipman, M.(2006). Risking another Slavic War, in Washington Post, posted 30 January. Available at: <<http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=17958>>

500 Ibid.

501 Ukrainian Intelligence Agency (SBU) Information (Служба безпеки України (СБУ) Довідка (2006). Dated 17 December. p 7.

502 Lipman.

503 Immediately following the inauguration of the President Viktor Yushchenko, The Russian Federation started its gas wars with Ukraine and Europe (by proxy). In response to Russia's demand that Ukraine pay market prices for gas, Ukraine's democratic forces willed the Russian Federation to pay market prices for the temporary stationing of the Fleet on its territory.

Obshchyna Sevastopolya, Ruskiy Sevastopol, Ruskiy Blok Sevastopolya and Rusychi). These papers are printed under preferential conditions "pilhovyykh umovakh" by the Russian Black Sea Fleet's typography of Flag Rodyny (owned by the Russian Ministry of Defense).⁵⁰⁴

That year in Sevastopol alone, the average monthly circulation of pro-Russian press (25,000) was proven to have doubled from the preceding year.⁵⁰⁵ The same internal document also identified the use of Russian owned media including "NTB" and information agencies (New Region-Crimea, REGNUM-Krym) as instrumental in dispersing provocative claims and comments by Russian functionaries regarding the Ukrainian status of Sevastopol and Crimea. Moreover, direct comparisons were made with Transdnistria, Ossetia and Kosovo.⁵⁰⁶ Such articles clearly aimed at influencing the perceptions of the Crimean population and targeted Ukraine's soft power, particularly, the perceived relevance of the Orange Coalition's national security strategy.

Ukraine's selected path to democracy and Euro-Atlantic integration was perceived by Moscow as particularly threatening to its power in the Black Sea Region. Moscow did not appreciate the presence of Western powers, particularly NATO, in states it perceives as belonging to its "exclusive sphere of influence".⁵⁰⁷ Ukraine's intelligence services identified interference in the development of Ukraine-NATO relations and promotion of a reorientation of interests towards Russia as the main assignment of Russian secret services in Ukraine.⁵⁰⁸ Numerous anti-NATO demonstrations were indeed organized throughout Ukraine, particularly in Crimea. One particular demonstration impacted Ukraine's foreign policy in a hitherto unseen fashion. It deserves special attention.

Operation Sea Breeze

In 2006, accession to NATO was still a part of its foreign and defense policy. That year, the Sea Breeze exercise involved personnel from 17 NATO member states and partners and was to be held (mainly) in Crimea. The NATO countries participated in the joint Ukraine-US cooperative undertaking, under US leadership and within the framework of NATO's Partnership for Peace. It had been held in Crimea almost every year since 1997 and was crucial to achieving interoperability with allied forces. At the

504 Ukrainian Intelligence Agency (SBU) Information (Служба безпеки України (СБУ) Довідка (2006). Dated 17 December. p. 3.

505 Ibid.

506 Ibid., 7.

507 In Regional Security Complex terms, Russia did not want to loose its center position in the Post-Soviet Regional Security complex.

508 Ukrainian Intelligence Agency (SBU) Information (Служба безпеки України (СБУ) Довідка (2006). Dated 17 December. p 2.

time, failure to hold such exercises would have negatively impacted the perception of Ukraine as well as its chances of receiving a NATO Membership Action Plan (MAP).

The exercise was aborted as a result of well-organized demonstrations. The rallies and demonstrations were organized by the Russian Crimean Community under the official leadership of the Party of Regions, the Natalia Vitrenko Bloc Progressive Socialist Party, which supports the unification of Russia, Ukraine and Belarus, and the Communists. Together with pro-Russian NGOs, the protesters claimed that the preparations for the exercises were unlawful due to the absence of parliamentary approval for the exercise.⁵⁰⁹ With support from the Party of Region deputies, anti-Western, mainly Russian protesters interdicted the movement of U.S. military personnel and equipment in Crimea's Feodosiya. According to Eurasia expert Vladimir Socor:

"Some 250 marine reservists, who had landed on May 27-28 to prepare the Sea Breeze exercise, left aboard two U.S. military transport planes from Simferopol on June 11-12. Originally tasked to upgrade the Stary Krym training range near Feodosiya, the American group was stopped en route by protesters, was then denied hotel accommodation, and had to spend two weeks under military protection in a Ukrainian naval hotel. They faced vociferous round-the-clock pickets recruited from the usual mix of Sovietophile pensioners and young Russian nationalists, with a sprinkling of pseudo-Cossacks (this organization is not indigenous to the Crimea), all mobilized by loyal chapters of pro-Russian parties in Ukraine. Similar groups blocked the U.S. military equipment in the port of Feodosiya's customs area after the ship that had unloaded it, the Advantage, left Ukraine's territorial waters."⁵¹⁰

It has been reported that the pro-Russian group allied itself with Russian Federal Intelligence (FSB), the Russian military intelligence (GRU) and military officers to incite anti-US and anti-NATO demonstrations, pickets and rallies in the Crimea.

509 Socor, V. (2006 a). Weak Authority Emboldens Anti-NATO Protests in Ukraine in Eurasia Daily Monitor, Jamestown Foundation, posted 2 June. Available at:

http://www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=31742&tx_ttnews%5BbackPid%5D=177&no_cache=1; see also: Socor, V. (2006 b). Kyiv's Political Stalemate Complicates Relations with NATO, in Eurasia Daily Monitor, Jamestown Foundation, posted 5 June 2006. Available at:

http://www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=31746&tx_ttnews%5BbackPid%5D=177&no_cache=1

510 Socor v. (2006 c). Protests in Crimea, Incitement from Moscow, Paralysis in Kyiv Thwart Military Exercises, in Eurasia Daily Monitor, posted 14 June. Available at:

http://www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=31777&tx_ttnews%5BbackPid%5D=177&no_cache=1

Moreover, it is asserted that Russia not only supplied intelligence on the location and plans for military exercises, it sent its own personnel to increase attendance at the rallies and demonstrations.⁵¹¹ An additional example of their activity is the publication of a series of articles on 3, 7, and 14, June 2006 in the newspaper "Krymskaya Pravda", an anti-Ukrainian publication promoting Russian unity.⁵¹²

In these articles the scenario for the planned Breeze exercise was exposed and analyzed as clearly hostile to Russia. Ukraine's Intelligence services identified these articles as a "provocative interpretation" of the NATO command post exercise cooperative Marlin – 2006 which was planned to take place in September in Crimea. Their contents "contain anti-NATO sentiment and are aimed at creating a negative opinion within the Crimean population towards the Ministry of Defense of Ukraine and the [Western] politico-military block."⁵¹³ This set of articles was, of course, not the only news coverage. In fact, the protests against NATO and the pro-Russia rallies made headlines around the world.

The majority of local pro-Russian, leftist and Cossak organizations, which carried out anti-NATO actions in Feodosiya, were also widely reported and shown by Russian mass media.⁵¹⁴ Yet, these the rallies, and the coverage they received are claimed to have been strategically deceptive. According to J. Marson, despite being relatively small, they were well coordinated and set-up precisely to use pro-Russian media to spread around the image of anti-Western sentiment in Ukraine.⁵¹⁵

The Ukrainian authorities showed themselves uncoordinated. Their lack of unity resulted in a Kyiv editorialist of *Zerkalo Nedeli*, one of Ukraine's most influential newspapers, to observe that the area had become not only "NATO-free" but also "government-free".⁵¹⁶ The analysts of this newspaper pointed to the presence of the RBSF as an instrument used by the Russian Federation to influence Ukraine's political course.⁵¹⁷ It would be an exaggeration to assert that these operations subverted the external legitimacy of Ukraine. However, Kyiv's lack of reaction did indicate the weakness of its national leadership.

511 Kuzio, T. (2006). Russian Subversion in the Crimea, in Jane's Intelligence Digest, posted 3 November. Available at: <http://www.taraskuzio.net/media22_files/2.pdf>

512 The articles, named *Scenariyi vtorzheniya* (Invasion scenarios), "*Scenariyi vtorzheniya: vzglyad analitikov*" (Invasion Scenarios: analyst views) and "*Breeze Poutykh, no Yastrebi Zhazhdut Revansha*" (Breeze, but Eagles Will Meet with Revenge) respectively.

513 Ukrainian Intelligence Agency (SBU) Information (Служба безпеки України (СБУ) Довідка (2006). Dated 17 December. p 1- 2.

514 Ibid. p. 8

515 Marson, J. (2008). Ukraine's European Future, in *The Guardian*, posted 24 September. Available at: <<http://www.guardian.co.uk/commentisfree/2008/sep/24/russia.ukraine1?INTCMP=SRCH>>

516 Socor (2006c).

517 Ukrainian Intelligence Agency (SBU) Information (Служба безпеки України (СБУ) Довідка (2006). Dated 17 December. p. 1.

The anti-NATO and anti-US rallies of June 2006 in Crimea reinforced the concerns of those NATO members who deemed Kiev's membership aspiration as impracticable in the near future.⁵¹⁸ Although in the following years the exercises did take place according to schedule, the impact the thwarted exercises had on Ukraine's reputation became clear during the NATO Budapest Summit in early 2008, when the Membership Action Plan (MAP) was not granted.

That same year, at a collegial meeting of the FSB, Russian President Medvedev also made direct reference to the use of its intelligence service to prevent the NATO accession of both Georgia and Ukraine. He stated, "An unstable social-political situation has come to pass in our neighboring countries, attempts to expand NATO were not stopped, particularly the attempt to speed up the process of Georgia and Ukraine's NATO membership. All this understandably required efficient and effective work of all structures of the special services, and law enforcement agencies and finally, a very high lever of coordination of their activities."⁵¹⁹

Accordingly, Russia's representative to NATO, Dmitry Rogozin, attempted to block Ukraine's drive to join NATO by openly connected Ukraine's NATO membership to its sovereignty over Crimea. He suggested that the only way Ukraine would be able to join the alliance would be if it were to give up Crimea.⁵²⁰ Also, Ukraine's staunch support of Georgia and offer to discuss the integration of its early-warning missile systems with the West also apparently angered Moscow.⁵²¹

A sharp rise in protest against Ukrainian government policies among the peoples of the peninsula also reflected Russia's intensified policy in Crimea.⁵²² Russia used its "soft power" through pro-Russian organizations and media to attack Ukraine's soft power security, particularly its effective policy capability. And, although Ukraine's intelligence services recognized this, the Ukrainian government continued not to address the issues effectively. According to Marla Maigre, a prominent Estonian expert on Euro-Atlantic integration, while Russia was "holding all the cards to destabilize Crimea, the political forces in Kyiv lacked the ability to reach a compromise, let alone find a consensus on how to solve the security challenges in Crimea".⁵²³

518 Kuzio (2006).

519 Ivanov.

520 Kuzio, T. (2008 a) Russia/Ukraine: Black sea Fleet Dispute Intensifies, in Oxford Analytica, posted 26 June. Available at: <http://www.taraskuzio.net/media21_files/40.pdf>

521 Maigre, M. (2009). Crimea – The Achilles' Heel of Ukraine, written for International Center for Defence Studies, Tallinn Estonia. p 2. Available at: <<http://www.icds.ee/fileadmin/failid/Merle%20Maigre%20-%20Crimea%20the%20Achilles%20Heel%20of%20Ukraine.pdf>>

522 Ukrainian Intelligence Agency (SBU) Information (Служба безпеки України (СБУ) Довідка (2006). Dated 17 December. p 1.

523 Maigre, 19.

Already before the Russo-Georgian war of August 2008, western analysts noted the phenomenon of Russian backed separatism in the other pro-Western states in the post-Soviet Black Sea Region. Observing Russian activities in Crimea Vladimir Socor, a leading Eurasia expert at the Jamestown Foundation in Washington, foreshadowed that these activities “may be a warning to Ukraine that Russia might orchestrate something.”⁵²⁴ Other experts asserted the possibility of pro-Russian separatism infecting Crimea was “a matter of deep concern”.⁵²⁵ These “warnings” may have been directed towards Ukraine, the other post-Soviet States in the Black Sea Region or the transatlantic community. Most likely, in one way or another, it was a warning to all three.

When the Russian-Georgian war broke out in August 2008, the Russian Federation used Ukraine’s constitutionally neutral territory to launch Black Sea Fleet operations against Ukraine’s (democratizing) ally.⁵²⁶ The weakness of Ukraine’s policy toward Crimea, combined with its support of Georgia, led to an illegitimate move in Sevastopol. First, President Yushchenko passed two decrees to restrict the ability of the fleet to move in and out of Sevastopol without Ukrainian authorization. Yet, when the Black Sea Fleet ignored these decrees, the Ukrainian president did not seek to enforce the.⁵²⁷

Then the Crimean Parliament called for the recognition of South Ossetia as an independent state. Despite its lack of any mandate or mechanisms to do so, it planned to adopt a similar resolution on the situation in Georgia. Rumblings of pro-Russian separatism were also heard. At the time, SBU Chief Valentin Nalyvaichenko expressed astonishment at the move. He asked: “What do the authorities of Sevastopol have to do with this issue of interstate relations? How can any city council raise the issue without taking into consideration the position of the Foreign Ministry, the President, and the Parliament?”⁵²⁸

Once again, security analysts shifted their focus to Sevastopol and the Autonomous Republic of Crimea. However, in the face of all this, Nalyvaichenko moved to discredit the separatist sentiment by asserting it was manufactured and that there were no real social or economic reasons for the increasing political tension

524 Socor, personal communication.

525 Cohen 2008, Blank 2007.

526 The Russian Black Sea Fleet also used Ukrainian territory to train and launch operations in Chechnya.

527 Kuzio T. (2009 b). SBU Challenges the FSB in Crimea, in Eurasia Daily Monitor , Jamestown Foundation, Volume: 6 Issue: 134, posted 14 July. Available at:

<http://www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=35261&tx_ttnews%5BbackPid%5D=485&no_cache=1>

528 Mostovaya.

in Crimea.⁵²⁹ And, indeed, nothing happened... at least not on the local level. Rather, a remarkable turn of events followed the November 2008 election of a Democratic Party President Barrack Hussein Obama in the United States.

The US and Russia

The United States, “overloaded” by the rising tensions faced by the Allied Forces in the Middle East, required more Russian support in Afghanistan as well as in its dealings in Iraq and against Iran in the United Nations Security Council.⁵³⁰ This resulted in the US Administration’s 2009 presentation to the Russians, in Geneva, of a “Reset Button”. According to US Secretary of State, Hillary Clinton, the bright yellow plastic box centered with a large red button symbolized America’s desire to reset its relations with the Russian Federation. Russia’s Minister of Foreign Affairs, Sergei Lavrov accepted the little yellow box, but how far back in time the reset would reach, remained uncertain.

In August of 2009, Medvedev issued a letter to Ukraine demanding policy reversals from its new government, including an end to its bid to join NATO. He also introduced a bill which was interpreted by some experts as targeting Crimea namely, the authorization to use Russian troops to protect Russian citizens and speakers abroad.⁵³¹ Less than one year after the US proposed to “reset” US-Russia relations, a “Russia-friendly” president and government came to power in Ukraine and discussions of separatism in Crimea silenced.

Markedly, in this regard, just a few months after taking office, on 22 April 2010, and in contradiction to Ukraine’s former administration’s five-year-long policy, President Yanukovich and his Russian counterpart Dmitri Medvedev signed the Kharkiv Accords. The two presidents extended the Russian Federation’s Black Sea Fleet rental agreement to the year 2042. A mere 4 days later, in the midst of protests and an embarrassing outbreak of egg-throwing and smoke-bomb hooliganism in Ukraine’s *Verkhovna Rada* (the High Council), Ukraine’s government ratified the agreement, regardless its unconstitutional nature. They secured the Russian Federation with a presence in Crimea and naval control over the post-Soviet security

529 Ibid.

530 The word “overloaded” is set in quotes here to denote the curious manner in which the button was presented. When the “Reset Button” was presented by the U.S. Secretary of State Hillary Clinton to the Minister of Foreign Affairs of the Russian Federation Sergey Lavrov Ms. Clinton drew particular attention to the spelling of the word Reset on the button and expressed the “hope” that Washington’s Russia experts got the word right. Upon receiving the button Mr. Lavrov, pointedly announced that an error had been made in the selected Russian word and the word “peregrozka” which was written on the button meant “overload” and not “reset”. The correct spelling of this word should have been “perezagrozka”.

531 Pan, P.P. (2009). Ukraine-Russia tensions are simmering in Crimea, in The Washington Post, posted 18 October. Available at: <http://www.boston.com/news/world/asia/articles/2009/10/18/ukraine_russia_tensions_are_simmering_in_crimea/>

subcomplex in the Black Sea Region. Once again, gas deals were connected to the stationing of the fleet. In exchange for a 30 percent cut in the price of its supplies of natural gas to Ukraine, Russia received unconstitutional permission to base its fleet in Ukraine. The West remained still.

Not everyone was happy with the deal. In Crimea, the agreement unsettled Crimean Tatars. Mustafa Jemilev, the leader of the Majilis of Crimean Tatars noted that the Black Sea Fleet in Crimea inspires pro-Russian separatists to commit anti-Ukrainian actions, constituting a threat to Ukraine's territorial integrity. He stated: "To us, there should be no foreign military bases in the territory of Ukraine, especially of those countries which political force lays territorial claims to Ukraine. Taking into account participation of the Black Sea Fleet in [the] Russian-Georgian conflict of 2008, we think this fleet menaces Ukraine to be drawn into other's wars."⁵³²

Back in Kyiv, the ratification of the Kharkiv Agreement caused an outcry from Ukraine's pro-democratic elite. Maintaining his position, former President Yushchenko asserted: "If society today turns a blind eye to the Kharkiv agreement, it is possible that it will be the biggest loss to our sovereignty and independence."⁵³³ The Our Ukraine party called for the impeachment of President Yanukovich for violating the norms of the Ukrainian Constitution which forbid foreign military bases on Ukrainian territory.⁵³⁴ Noting the illegitimate and coup-like behavior of President Yanukovich, Yulia Tymoshenko exclaimed: "Everything that happened today is unconstitutional, just like everything that Yanukovich has done since coming to power."⁵³⁵ Former Head of the Presidential Secretariat, Viktor Baloha, also criticized the deal: "The Russian Black Sea Fleet base in Sevastopol is an ideological headquarters for feeding separatist movements in Crimea."⁵³⁶ Parliamentary deputy and former Minister of Defense, Anatoly Hrytsenko, expressed his dismay with the unconstitutional situation noting the Russians should be charged closer to \$1 billion for renting the Sevastopol base and schemes linking natural gas prices to the rental agreement for the Black Sea Fleet in Sevastopol, although nothing new, should be stopped.⁵³⁷ Yuriy Scherbak, Ukraine's former Ambassador to the United States

532 RusNavy (2010). Majilis does not want the Black Sea Fleet to inspire Crimean Separatists, posted 16 August. Available at: <http://rusnavy.com/news/navy/index.php?ELEMENT_ID=10022>

533 Polityuk, P. (2010). Ukraine's opposition says to prevent Russia Fleet Deal, in The Washington Post, posted 24 April.

534 Feduschak N. and Kobernik K. (2010). Critics Pounce on deal to let Russian Black Sea Fleet stay in Crimea until 2042, Kyiv Post. posted 23 April. Available at: <<http://www.kyivpost.com/news/nation/detail/64790/>>

535 Tymoshenko Bloc. (2010) Yulia Tymoshenko's team demands comprehensive investigation into events on 27 April, posted 19 May. Available at: <http://www.tymoshenko.ua/en/article/zus57m5c>

536 Feduschak and Kobernik.

537 Ibid.

asserted "This disgraceful act has all the makings of being anti-constitutional and threatens national security."⁵³⁸

Back in Moscow, Russia's Prime Minister Vladimir Putin applauded the signing of the Kharkiv Accords and alluded to the Russo-Ukrainian friendship: "The most important aspect of the deal is not gas or stationing of the fleet, no matter how important these are to Ukraine. He continued: "The most important aspect of the deal is relations between our two peoples, trust in one another and mutual support."⁵³⁹

The Law

Before considering the role played by the political-criminal nexus in Sevastopol and the rest of Crimea, it is important to underline that Ukraine's law and legal institutions have had little effect in its relations with the Russian Black Sea Fleet. According to the Ukrainian constitution, Ukrainian Courts have jurisdiction over all legal relations arising upon the territory of Ukraine.⁵⁴⁰ However, the main reason that the problems surrounding the stationing of the Black Sea Fleet remain unresolved is because the Russian Federation refuses to accept the jurisdiction of Ukraine's law or courts over these issues.

The Russian side relies on an article contained in the 1997 Agreement on the mutual settlements between Russia and Ukraine related to the division of the Black Sea Fleet and its stationing on Ukrainian Territory.⁵⁴¹ Article 6 stipulates that any conflicts or disagreements in interpretation shall be resolved by a mixed commission. In case that commission is unable to settle the matter, Article 6 provides the dispute shall be resolved through diplomatic channels in the shortest period possible. Thus, despite Ukraine's calls for the recognition and abidance of its laws and court decisions this article has rendered Ukrainian institutions virtually helpless against matters affecting its power and national security in the Black Sea Region. The use of diplomatic channels appears to have done more to preserve the stalemate than resolve it.

Unfortunately, Article 6 is not the only cause for this. Internal divisions and a general lack of rule of law in Ukraine exacerbate the problem. Even the president of the country himself was unable to get legal recourse when he asked the court to rule

538 Ibid.

539 Ibid.

540 Logvinets, V. (Логвинец, В.), (2009). A Trouble-maker named The Russian Black Sea Fleet: about the Mars-75 station and more ("Беспредельщик" по имени ЧФ РФ: о станции «Марс-75» и не только), written for ФЛОТ2017, posted 03 July. Available at: <<http://flot2017.com/show/opinions/8305>>

541 Semenov, V. (2007, 2008). Ambassador Plenipotentiary, Head of Russian Black Sea Fleet Negotiations Subcommittee, personal communications, Kyiv.

on the legality of the stationing of the Black Sea Fleet, "The court refused to rule on the question arguing it was not prepared by the president's legal advisers in the correct manner".⁵⁴²

The lack of rule of law in Ukraine is a major impediment to its national security and political-institutional strength, particularly in regard to Crimea. There, the situation is reportedly worse because the government in Kyiv could neither manage to integrate Crimea in Ukraine political and social context nor resist the growing influence from Russia.⁵⁴³ The former Representative of the President of Ukraine in Crimea has been quoted as saying that every Ukrainian National Security and Defense Council meeting can only state the fact that its previous decisions on Crimea have not been implemented, "Crimean authorities throw these decisions away and they have never been punished".⁵⁴⁴ The national government lacks leverages to make Crimean authorities even implement national policies at the local level.⁵⁴⁵

Another unusual and detrimental fact, as it pertains to the rule of law in Crimea, is that the Russian Federation has set up its own Persecutor General's office and courts in Sevastopol. Thus, it not only disregards Ukrainian judicial rulings, it has created its own effective judicial system on Ukrainian territory. Its presence is the result of a mixture of being a remnant of Soviet times and a "Friendship Treaty" between Ukraine and Russia. This situation however is rarely spoken of, but the former Minister Boris Tarasyuk did ask, "How can it be explained that there are acting Prosecutor Offices and courts of another state on the territory of Ukraine?"⁵⁴⁶ The question appears to remain a rhetorical one although it is indicative of how deeply embedded Russia's institutional power is in Crimea.

It is in this light that one should consider the fact that it was during years of Ukraine's pro-democratic administration that pro-Russian sentiment in Crimea continued to rise. In 2008, Vasyl Ovcharuk, a Ukrainian Crimean political activist forewarned: "Moscow has laid the foundation for the occupation of Crimea with years

542 Kuzio, T. (2010 b). The FSB Returns to Ukraine, in Eurasia Daily Monitor, posted 26 May, Vol: 7 Issue: 100. Available at: <http://dev.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=36411>

543 Shapovalova N. (2008) The Possible Effects of the Russian-Georgian Conflict for the Situation in Crimea, SIPU report for the Swedish International Development Agency, posted 5 September, Ref: SIPU/JMWEN ASS.02.

544 Ibid.

545 Ibid.

546 ForUm (2005). Tarasyuk does not like Russian flags in Sevastopol , posted 15 November. Available at: <<http://en.for-ua.com/news/2005/11/15/154346.html>>

of careful propaganda.”⁵⁴⁷ Was it true? Did Ukraine really run the risk of losing Sevastopol and Crimea and if so, how?

3.1.3 Sevastopol: an eyewitness account

The Crimean question seemed intimately linked to Sevastopol and the Black Sea Fleet. Thus, I expressed an interest to learn more about the linkages between alleged subversion, transgressions of the law and the Russian Black Sea Fleet in Crimea to the then Ukrainian Minister of Foreign Affairs, Boris Tarasyuk. And, he recommended a meeting with the Head of the Ukrainian part of the sub-commission for the stationing of the Russian Black Sea Fleet in Ukraine.

My first meeting with Ambassador Extraordinary Viktor Semenov took place in the early winter of 2007. In an office overlooking Kyiv's snow covered cliffs and trees, the robust man in his sixties, with dark, thick eyebrows and a large frame towered over his desk. Another striking view was revealed when he stood up to shake hands. Viktor Semenov was missing one leg and more than one half of his ring finger. Despite (or perhaps because of) his older age and disfigurements, Semenov possessed an impressive physical stature; a posture and physique that demanded reverence.

The welcoming gentleman kindly introduced himself as an ethnic Russian, a doctor (*kandidat*) of technical engineering and a former Soviet basketball star. He then asked how he could be of help. After being informed of the interest to learn more about the how the stationing of the Russian Black Sea Fleet in Crimea deteriorated Ukraine's power potential and the possibility of connecting the fleet to pro-Russian separatist sentiment and transnational organized crime, Semenov, leaned back in his chair, gazed pensively and introduced himself as the former Mayor of Sevastopol.⁵⁴⁸

The time of Semenov's reign (early 1990s) was the period of “buccaneer capitalism” and privatization in the former Soviet Union. It was a period when the “ultra-bureaucratized administrative system, its lack of adequate laws, and its lawless Sovietized culture combined to merge rampant government corruption not only with organized fringe criminal groups, but with highly organized, regimented, and

547 Krushelnysky, A. (2008 a). “Fears that Crimea could be Next Flashpoint for Conflict with Russia” in RFE/RE, posted 24 August. Available at: <http://www.rferl.org/content/Crimea_Flashpoint_For_Conflict_With_Russia/1193380.html>

548 Member of the Council of heads of border regions of Ukraine and Russia (Член Совета руководителей пограничных областей Украины и России) July 1994 - April 1998, Consul General of Ukraine in St. Petersburg, from 1998,

Member of the Presidential Commission on Naval Politics (Член Комісії з питань морської політики при Президентові України) since December 1995. Head of the subcommittee of the Joint Ukrainian-Russian Commission on Cooperation regarding questions arising from the stationing of the Black Sea Fleet on Ukrainian territory (Глава подкомиссии по вопросам пребывания Черноморского флота на территории Украины Смешанной Украинско-российской комиссии по сотрудничеству).

disciplined structures at the core of the system. The individuals who headed and ran these structures suddenly found themselves in possession of vast material, human and administrative resources.”⁵⁴⁹

In Sevastopol, the situation was particularly acute as the threat of looming separatism and the Russian Black Sea Fleet transformed the city and the rest of the Crimean peninsula into a security hot spot. This combination was particularly volatile as, “In essence, the highest echelons of Russian post-Soviet power wanted to put pressure on Ukraine via the threat of a civil conflict in Crimea (and Russia’s direct military interference in it) in order to secure its access to Sevastopol – the headquarters of Russia’s Black Sea Fleet.”⁵⁵⁰

Semenov came to power in the Sevastopol city council in 1992 after the acting mayor, Ivan Yermakov, had been appointed Representative of the Ukrainian President and Head of the City Administration (gorgosadministratsia). It was not long before Semenov’s city council clashed with Yermakov’s city administration. The clash concerned the city’s communal property fund. In December 1992, under Semenov’s leadership, the city council moved to create its own inventory of Sevastopol’s communal property. This spurred a negative reaction from Yermakov who considered the move an unacceptable creation of parallel structures that would complicate oversight and control of the city’s property and ownership thereof.⁵⁵¹ Nonetheless, the work of the city council continued.

Then in 1993, while Russia moved to break Sevastopol away from Ukraine, both Yermakov and Semenov found themselves in the center of another immense conflict. It pertained to the Black Sea Fleet. This time, both functionaries were faced with the construction of yet another parallel structure. This time, the Sevastopol Veche (popular assembly) had created its own Russian National Council of the City of Sevastopol. Both Yeremenko and Semenov recognized a substantial number of their citizens held a pro-Russian position but criticized the creation of the illegitimate entity.

In the elections which took place later in 1993, Semenov played the Russian card by appealing to pro-Russian groupings and won the mayoral race. On 10 July 1993, the Russian Duma, without the participation of a majority of Yeltsin’s supporters, declared Sevastopol a Federal Russian city. Just over one year later, on 23 August 1994, Semenov signed a decree of the Sevastopol City Council which

549 Waller J. M. & Yasmann V.J. (1995). Russia’s Great Criminal Revolution: The Role of the Security Services, in *The Journal of Contemporary Criminal Justice*, Vol. 11, No. 4, December, 276-297.

550 Mizrokhi, 9-10.

551 It is important for the reader to bear in mind that at this time the privatization process was in its natal phase in Ukraine.

proclaimed the city an integral part of the Russian Federation, confirmed Sevastopol as the main base of the Russian Black Sea Fleet and appealed to the Presidents of the Russian Federation and Ukraine, Yeltsin and Kuchma respectively, to accept the decision and resolve the Black Sea Fleet problems accordingly and without delay.⁵⁵²

Semenov recalled the extremely angry telephone call he received from a "hollering" President Kuchma after the president received word of the renegade decision taken by Semenov's Sevastopol city council. One might think that a mayor who not only allowed his council to supersede all of its mandate but also signed a decision subjugating a strategic city and navy base to a third state would be immediately relieved of his duties, if not prosecuted for treason. Remarkably however, Kyiv disregarded the council's decision and chose not to interfere with Semenov's status in Sevastopol. In fact, Semenov not only managed to hold his office, on 19 July 1995, President Kuchma appointed him Head of the City Administration (gorhosadministratsia). Replacing Yermakov, he became the President's representative in in Sevastopol.

This displeased the pro-Russian population in Sevastopol. And, after Semenov acquired this position, a split occurred between him the pro-Russian forces. This split was perhaps most publicly marked by protests against him that took place on 24 July 1995. Pro-Russian forces gathered in front of his offices and chanted anti-Semenov slogans such as, "Прочь наместника президента Украины (Away with the Deputy of the President of Ukraine)", "Семенов - гауляйтер украинских оккупантов (Semenov is a representative of the Ukrainian occupiers)", "Семенов предал российскую идею (Semenov betrayed the Russian idea)", "Наместника Кучмы вон из российского Севастополя (Deputy of Kuchma...get out of Sevastopol!)"⁵⁵³

On 11 October 1996, a remarkably terrifying thing happened to the man. Viktor Semenov was the target of an assassination attempt. Upon returning home for lunch, a car bomb exploded ripping off half his leg and causing other grave bodily harm to him and his driver.⁵⁵⁴ Back in Moscow, less than 2 weeks after the assassination attempt, the Duma moved, once again, to use the construed 1948 document to assert Sevastopol was not a part of the 1954 Crimean handover to

552 Севастопольский городской Совет народных депутатов РЕШЕНИЕ О статусе города Севастополя (Decision and Appeal of the Sevastopol City Council on the Status of Sevastopol), 23 August, 1994, No. 40. Available at: <sevkrimrus.narod.ru/ZAKON/sevast2.htm>

553 Slavic Research Center Database, Hokkaido University, Japan. Available at: <http://src-h.slav.hokudai.ac.jp/ukrregions/data/74.html>

554 Semenov, personal communication. See also: Moscow Times (1996). Sevastopol Mayor Injured in Car Blast, in The Moscow Times, posted 11 October.

Ukraine.⁵⁵⁵ No direct link has been established between Semenov's attempted assassination, Ukraine's intelligence services and the decree which he signed pledging Sevastopol as an integral part of the Russian Federation.

However, Semenov was linked to the political-criminal nexus in another way. Sergei Kondratevsky is an ethnic Ukrainian business man and former Deputy of Ukrainian Parliament. On 4 September 1994 he also became a victim of an assassination attempt.⁵⁵⁶ The period of Semenov's reign was a dangerous one for business and entrepreneurs. Interestingly, a private conflict existed between Semenov, his real-estate policies and Kondratevsky's business dealings in Sevastopol, i.e. The Financial Industrial House of the Kondratevsky's. In 1996, public attacks started to be published against Semenov in a newspaper under Kondratevsky's apparent order; газеты "Вечерний Севастополь". In July 1996, Semenov sued the newspaper "Вечерний Севастополь" for publishing the article "It's good to be Mayor ("Хорошо быть мэром").⁵⁵⁷ Eventually, "at the request of Ukrainian law makers" Moscow lawmakers arrested the Sevastopol banker and entrepreneur Serhiy Kondratevsky for suspicion of embezzling 14 million.⁵⁵⁸

Whatever the true reasons are for his assassination attempt, Ambassador Semenov did not go into detail and simply concluded: "They wanted me out of there."⁵⁵⁹ Later, it was decided in Kyiv to place Semenov safely outside of Ukraine for a number of years. In 1998, he was sent to Russia as Councilor General of Ukraine in St. Petersburg; a coveted diplomatic post. Semenov remained there for five years, and, according to him, when things "ospokoyalys (calmed down)", he returned to Ukraine to serve as Ambassador Extraordinary at the Ministry of Foreign Affairs, continuing to maintain his Membership in the Ukrainian sub-commission for problems arising from the stationing of the Russian Black Sea Fleet.

Semenov relayed how a number of problems connected to the Russian Black Sea Fleet were intricately intertwined with Russia's struggle for power in Crimea. He described how Russian sailors penetrated the city by, for instance, patrolling the central train station of Sevastopol and the entire city center. Ukrainian law prohibits the carrying of arms by representatives of the Russian Black Sea Fleet beyond the

555 Kuzio, (1996).

556 Immigration and Refugee Board of Canada, *Cronoloes événements mars 1994- Août 1995*. Available at: <<http://www.unhcr.org/refworld/publisher,IRBC,COUNTRYREP,UKR,3ae6a83310,0.html>>

557 Slavic Research Center Database.

558 PravdaRu (2002). Former Deputy of Ukrainian Supreme Rada, on an International Wanted List, detained in Moscow, posted 21 June. Available at: <<http://english.pravda.ru/news/world/ussr/21-06-2002/44831-0/>>

559 Semenov, personal communication.

fleet's bases and particularly in inhabited areas.⁵⁶⁰ Thus, the fact that armed Russian sailors are ordered to patrol the streets of Sevastopol, beyond the military bases to which they belong can be linked to the soft power component of the perception of territorial integrity. The fact that the Ukrainian government was unable to restrict the armed patrols lends to the perception of inaptitude of Ukraine's policies and institutions.

It is paramount that Russian Black Sea Fleet sailors have also been noted for regularly violating Ukraine's immigration laws. In 2009, Ukraine's Interior Ministry indicated that they account for 10% of the illegal immigrants in Sevastopol; in the first 5 months of 2009 there were over 135 cases of sailors from Russia's Black Sea Fleet violating Ukrainian immigration laws.⁵⁶¹

In the same vein, Semenov described Russian forces influencing the societal-political mindset in Sevastopol by hanging Russian flags and plaques on city infrastructure, well beyond the military base parameters. The "plaque and flag war" intensified particularly with the introduction of a pro-democratic administration in Kyiv. Already in 2005, Boris Tarasyuk commented on these issues: "There are inscriptions *Russian State Territory* on objects which are situated on the territory of Ukraine. Russian flags wave everywhere. Russian patrols walk with personal weapons and block the whole street. It is abnormal".⁵⁶² Later in 2006, Volodymyr Ohryzko, who eventually replaced Tarasyuk as Minister of Foreign Affairs in 2007 commented: "The use of posts and signs which state "territory of the Ministry of Defense of the Russian Federation" is unlawful. There are no reasons for these signs to be there, it is not the territory of Russian Federation it is Ukrainian territory".⁵⁶³ Although the hanging of flags may not be a criminal offence, it is indicative of soft power operations aimed at influencing the perceptions of local civilians in systematic violation of Ukrainian laws.

Such behavior clearly impacts all categories of soft power security, i.e. the levels of cultural and territorial integration, collective memory and the strength of national leadership. In fact, in Sevastopol, an array of cultural-educative institutions aimed at promoting Russian politics and culture and influencing its socio-cultural environment are connected to the Russian Black Sea Fleet. They include, but are not limited to, the Officer's of the Fleet Building, the Theater of Lavrenov, the Moscow gallery and library, 8 structural subchapters of higher education institutions including

560 Government Courier (Урядовий Кур'єр), (2006) Interview with Ohryzko (Інтерв'ю з Огризко), posted January, No.10 (3175).

561 FRE/RL, (2009). Ukraine says Russian Seamen Entering Illegally, posted 9 June. Available at: <<http://www.rferl.org/articleprintview/1750137.html>>

562 ForUm (2005).

563 Government Courier.

the Black Sea Branch of the Moscow State University named for Lomonosov with its own television studio (in which up to 4000 students study). There is also entire range of non-governmental organizations, i.e. Sevastopol branch of the Institute for CIS states and the Baltics, directed by Konstantin Zatulin, the "Moscow-Sevastopol Foundation Andrei Pervoznanoho, Sevastopol Association of Russian-Ukrainian friendship etc."⁵⁶⁴

Semenov spoke for some time about anti-Ukrainian organizations and a growing hate of all things Ukrainian in Crimea. It is likely that he recognized an astonished reaction to his accounts because at a given moment, the Ambassador said, "Yes, it is all true, but you should not take my word for it. I encourage you to go there and see it all for yourself, once the weather improves, in May perhaps." This is how the first meeting with Ambassador Extraordinary Victor Semenov drew to a close. As I got up to leave, Ambassador Semenov handed me a notepad upon which he had jotted some notes during the conversation. Ironically, the note pad came from the Kremlin. The upper left hand corner of every sheet was imprinted with an image of the Russian Ministry of Foreign Affairs in Moscow. When asked how it was possible that an Ambassador of Ukraine, particularly of his magnitude, was giving a foreigner a block note with the emblem of a third (and at that time almost Hobbesian state), the gentleman simply replied, "Because our ministry cannot find the funds to provide me with such a block note. If it did, I would be handing you a different one." A handshake and a shared but cynical chuckle ended the conversation as the escort arrived to see me out of the building.

3.1.4 Conclusion

In the previous sections, Ukraine was presented as the most important state to Russia's geopolitical interests. The post-Soviet political-criminal nexus penetrates Ukraine's societal, political and religious fabric. Its actors work against the revival of Ukrainian nationhood as well as its democratization. The actors of this "fifth column" have been linked to the receipt of sort of material benefit (albeit professional or financial) from the Russian Federation.

One of the places its activities are most evident is in the Autonomous Republic of Crimea. The stationing of the Russian Black Sea Fleet there has been cloaked in controversy since the collapse of the Soviet Union. The controversial

⁵⁶⁴ Ukrainian Intelligence Agency (SBU) Information (Служба безпеки України (СБУ) Довідка (2006). Dated 17 December. pp 4-5.

treaties and gas deals linked to them are also directly linked to members of the political-criminal nexus.

The Russian Black Sea Fleet has been an instrumental, hard military presence for the Russian Federation. It has been used by the Russian Federation as an instrument through which to openly and consistently support pro-Russian separatism in the Autonomous Republic of Crimea. This foreign policy is also linked to global politics insofar as it is linked to thwarting the democratic development of Ukraine. From the perspective of tangible power, the fleet has influenced Ukraine's power by affecting its military, occupying territory not stipulated in any of the Annexes, not paying for the rented military bases, disregarding Ukraine's inventory requirements and by causing environmental harm.

It was shown in Part One that by promoting vertical competition, soft power be used by Hobbesian actors to promote separatism. Thus, it is not sufficient to focus on the hard power manners in which the fleet was used as an instrument to promote separatism there. To understand the security dynamics between Ukraine and Russia as well as their regional and global effects, it is necessary to consider the less overt ways the Russian Federation and the political criminal nexus may have used the power of attraction to gain support for pro-Russian separatism in Crimea.

3.2 Trust Builders or the Post-Soviet Political-Criminal Nexus?

Like any form of power, soft power can be wielded for good or bad purposes, and these often vary according to the eye of the beholder.

- J. Nye

Throughout the post-Soviet years, the Russian Federation found itself in many predicaments and was losing an immense amount of geopolitical power at a fast pace. The situation it faced in Crimea was particularly dire. Not only did it stand to lose the entire Black Sea Fleet, Ukraine was also threatening to become a strong naval player, drastically diminishing Russia's access to and power over the entire Black Sea region. Something had to be done, and an outright Russian military invasion of Ukraine was unthinkable.

Russia needed to build trust, nurture pro-Russian forces there, increase their numbers and publicize them as friends and allies against pro-Western democratization and its "evil" North-Atlantic Treaty Organization.⁵⁶⁵ Of particular interest to this study is how, over time, Russia built a perception of trust among Crimea's population to the point of the peninsula becoming a potential separatist flashpoint. Its trust-building mechanisms are of particular interest here as appears that the post-Soviet political-criminal nexus played a role in advancing Russia's geopolitical interests in this regard. Let us be reminded that after the Ukrainian government ratified the controversially anti-constitutional Kharkiv Accords in 2010, which once again bound the fleet to questionable gas deals, Vladimir Putin stated: "The most important aspect of the deal is not gas or stationing of the fleet, no matter how important these are to Ukraine... ..The most important aspect of the deal is relations between our two peoples, trust in one another and mutual support."⁵⁶⁶

It is also important to bear a number of factors in mind. First, there are very many good aspects to soft power and genuine soft power actors; arguably, many of the activities related to soft power are covered by so-called Friendship Treaties. Second, Crimea's population and particularly that of Sevastopol shares a long common history with Russian and Soviet (naval) power. Third, it would be ludicrous to ignore that ethnic-Russians are in the majority on the peninsula. Their rights and interests are of import and must not be overlooked.

⁵⁶⁵ Often during anti-NATO demonstrations organized by the Russian Orthodox Church in Ukraine, citizens carry signs and banners linking NATO to satan.

⁵⁶⁶ Feduschak & Kobernik.

However, it would be just as ludicrous to ignore the assertion of pro-democracy experts in Ukraine that the separatist and anti-Ukrainian sentiment there is the product of a covert Russian foreign policy without which, the ethnic communities in Crimea would peacefully coexist. Also, some may argue that the soft power operations presented below simply belong to normal foreign policies and there is nothing informal or criminal about them. It may indeed be so, however, two facts are of import in this regard, namely: 1) the Russia-centered character of the post-Soviet political-criminal nexus and; 2) vertical competition is strategically planned by states and promotes separatism and conflict using soft power.

Thus, to determine if the Russian Federation built trust between Russia and the Crimean population by targeting Ukraine's soft power security and the extent to which the political-criminal nexus played a role in this regard, a number of steps must be taken. The main institutionalized actors, their activities and some (allegedly) informal ways these soft power operations have been funded must be considered. First, insight into the role of Russian Intelligence services is offered. Second, some of the ways Moscow has provided support to pro-Russian organizations in Crimea are examined. Third, the main institutions linked to the promotion of separatism in Crimea are presented. Fourth, the position of the Crimean Tatars (the second largest population in Crimea) and manner in which they have been affected in this regard are also considered. Fifth, interties between Russia's foreign policy of passportization, NGOs and separatism are provided. It is expected that linkages will be found between the Russian Federation's foreign policy toward Ukraine's Autonomous Republic of Crimea, soft power operations that affect its national security and the post-Soviet political-criminal nexus.

3.2.1 Russian Intelligence Services

The journalist D. Ivanov of the investigative magazine *Glavred* provides one of the clearest open-source publications on the role of Russia's secret services inside The Autonomous Republic of Crimea. Ivanov concludes that due to the stationing of the Russian Black Sea Fleet on formally lawful grounds, representatives of practically every Russian intelligence agency are working there. Based on his research into the matter he even asserts "it is possible to call Sevastopol the capitol of Russian special services".⁵⁶⁷ In this regard, the the fact that the actual legality of their presence in

⁵⁶⁷ Ivanov.

Crimea is debatable is particularly significant. Generally, pro-Russian forces assert it is legal, pro-democratic forces assert it is not.

One thing that is not debatable is its relation to the stationing of the fleet in Crimea. On 11 October 2006, President Viktor Yushchenko called attention to the relation between the Russian secret services and the political-criminal nexus. He ordered the Security Service of Ukraine (SBU) to upgrade its operational activities in Crimea. Specifically, The SBU was given two months to “look into the efficiency of intelligence, counterintelligence, subversive and other illegal activities in the Crimea by foreign secret services and NGOs” and to “develop a plan of action to ‘neutralize’ activities in the Crimea, ‘which harm Ukraine’s sovereignty and territorial integrity, pose security threats and incite ethnic, racial and religious tension.’”⁵⁶⁸

The SBU established a link between Russian intelligence and subversion in Crimea. They identified the presence of the Russian Black Sea Fleet (the largest foreign military presence of Russia) as “the determining criteria for the presence and activity in the region of its intelligence agencies” and, moreover, “an instrument of securing Russian national interests and securing control over the direction of political and military developments of Ukraine (first and foremost, its relations with NATO).”⁵⁶⁹ More ominously, the SBU warned 38 Ukrainian citizens that they were targets of recruitment by foreign intelligence services – (by which countries the SBU did not specify).⁵⁷⁰

Apparently, the FSB had been “recruiting Ukrainians and providing logistical support to separatists and pro-Russian organizations in Sevastopol and the wider Crimea.”⁵⁷¹ Not only is the promotion of separatism a crime and prohibited by the Ukrainian criminal codex, such a recruitment policy clearly targets Ukraine’s soft power, in terms of its level or degree of national territorial integration. Clearly, the feeling of belonging to one’s state or nation is affected when citizens of one state begin to work for the intelligence services of another. The following is an example of how, if indeed occurring, such recruitment also targets the strength of the national leadership.

It has been reported that “in 2008, using Ukrainian citizen Dmytro Kosylov, the FSB organized a gathering of information on those inhabitants of Sevastopol who would be persons of interest for Russian intelligence, particularly employees of the

⁵⁶⁸ Kuzio, (2006).

⁵⁶⁹ Ukrainian Intelligence Agency (SBU) Information (Служба безпеки України (СБУ) Довідка (2006). Dated 17 December.p 1.

⁵⁷⁰ Kupchynsky R. (2008). Sub-Rosa Warfare in the Crimea, in Eurasian Daily Monitor, posted 25 June, Vol: 5 issue: 142. Available at: <http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=33833>

⁵⁷¹ Kuzio, (2009 b).

Sevastopol city council. After being caught for participating in real-estate scams (once again linking intelligence agencies with organized criminals), Kosylov declared that the information was collected on behalf of the FSB's Black Sea Chapter employee Segei Kistenev with whom he became acquainted in 2007 in the building leased to the RBSF for organs of the Prosecutor General for South –Caucasus military division. Understandably, when the FSB was apprehended in relation to Kosylov, they denied any contact with him claiming his was mentally ill.⁵⁷²

It is noteworthy to mention that the aforementioned prosecutor's office is the same one the MFA of Ukraine has numerous times demanded from Moscow to shut it down. The fact that the prosecutor's office of a third state operates on the territory of another, and the host state is incapable of shutting it down again highlights the weakness of the nation's institutions and government policy capability to the Ukrainian population.

Then, in 2009, the SBU concluded that foreign special services operate in the city of Sevastopol in violation of Ukrainian law.⁵⁷³ It ordered the FSB to vacate the Black Sea Fleet's base in Sevastopol by December 2009 and actions were taken in this direction.⁵⁷⁴ As soon as pro-Russian President Viktor Yanukovich came into power in 2010, Moscow insisted the new administration cease cooperation with the Central Intelligence Agency, and, re-admit the Federal Security Service to the Black Sea Fleet.⁵⁷⁵ The Yanukovich administration has agreed to most of these demands. According to one Ukraine expert Taras Kuzio, the ramifications of tying Ukraine and Russia's security policies closer will be threefold: "It will reduce the level of Ukraine's cooperation within PfP [NATO'S Partnership for Peace Program] and increase joint Ukrainian-Russian military programs. The surrounding states will regard Ukraine as facilitating Russian espionage from its territory. Finally, it will end Ukraine's two decade long close friendship with Georgia."⁵⁷⁶ Surprisingly, Kuzio did not comment on violations of Ukrainian laws or sovereignty in this regard.

In May 2010, indirect reference was again made to the post-Soviet political-criminal nexus by the former SBU Chief Valentyn Nalyvaichenko:

"Russian counter-intelligence have undertaken on our territory unfriendly actions, including the covert collection of, and steps towards, collecting secret information and thereby infringing the

572 Ivanov.

573 Kuzio (2010 b).

574 Kuzio (2009 b).

575 Kuzio (2010 b).

576 Ibid.

Criminal Codex of Ukraine... ...The protocol signed in 2000 whereby FSB units were stationed in the Crimea never was in conformity with Ukrainian legislation, [...] meaning that President Leonid Kuchma, had agreed to the stationing of the FSB by infringing Ukrainian law."⁵⁷⁷

The unlawful signing of documents and orders by former President Leonid Kuchma was not unusual during his autocratic rule.⁵⁷⁸

The fact that the Ukrainian president himself signed laws that violate the law of his own state and foreseeably harm its national security to the advantage of a state with overt territorial claims, is a paramount indication of how deeply penetrated the post-Soviet political-criminal nexus is. It has been asserted that "Kyiv's ability to launch countermeasures are hampered by two factors: Lack of political will of the president and the National Security and Defense Council, and the divided loyalties between Kiev and Moscow within the SBU and Interior Ministry (MVS)"⁵⁷⁹

The aforementioned also exemplifies how Ukraine's common Soviet history, weak institutions and rule of law have provided fertile ground for a foreign power to gain strength within the Crimean territory. But what role did Russian intelligence officers play in helping Russia gain power in Crimea?

Foreign Military Intelligence Directorate (GRU)

In interviews with Vice-Admiral Volodymyr Bezkorovainiy and the Director of NOMOS Center in Sevastopol, Sergei Kulyk it was confirmed that, in accordance with the 1997 Black Sea Fleet Treaty, Sevastopol officially received 5 structural sub-chapters of the GRU. And, that unofficially, Russia maintained an additional organ of the GRU, namely, the GRU-642 Group on Informational-Psychological Warfare.⁵⁸⁰ This information is also provided in Ivanov's 2009 article. Yet, already in 2006, a report made my Ukraine's Intelligence service in Crimea identified this group's functioning as "creating the necessary Russian Federation influence on the socio-political situation in AR Crimea and the city of Sevastopol. ...The aforementioned structures conduct exercises by securing the information of special propagandist actions."⁵⁸¹

577 Ibid.

578 Leonid Kuchman was a political backer of President Viktor Yanukovich and the Party of Regions, which is, in turn, a member of Putin's United [Russia Party].

579 Kuzio (2006).

580 Kulyk, S. (2007, 2009); Director of NOMOS Center in Sevastopol, personal communication, Sevastopol. Bezkorovainiy, Volodymyr (2010). Vice Admiral (Ret.), personal communication, Kyiv. See also Ivanov.

581 Ukrainian Intelligence Agency (SBU) Information (Служба безпеки України (СБУ) Довідка (2006). Dated 17 December. p 1.

The GRU-642 group is identified as an instrument through which the publication of ordered materials and prejudiced results of sociological polls in left and pro-Russian sources take place.⁵⁸² The social and political security sectors and the intangible components of state power constitute the most important part of state security. The GRU was identified as targeting Ukraine's (what has been identified in this study as) soft power security from within its own territory: "this sub-division continues to work successfully, despite the fact its presence is not regulated by any treaty or agreement between the two states".⁵⁸³ However, its policies remained seemingly inert. Once again, this points to the weakness of Ukraine's institutions and the power and presence of an informal, Russia-centered network targeting Ukraine's soft power.

Since most of Moscow's propaganda campaigns in Crimea were directed from the Black Sea Fleet Press Centre which was headed by a former graduate of the Moscow State Institute of Foreign Relations.⁵⁸⁴ The fact that its head was a graduate of Moscow State University (MSU) is significant, and the role of the MSU in this regard must be considered.

The Moscow State University has a Black Sea Fleet Branch in Sevastopol. It is a beautiful and modern university which the Russian Federation built on one of the military bases it uses in Sevastopol. Entrance to the university it is strictly guarded with officers armed with automatic machine guns. Sources both Kyiv and Sevastopol have confirmed that the MSU BSF branch is a main sociological instrument of Russia's subversive politics toward Ukraine in Crimea. Its students have the opportunity to be taught by Russian experts including former Russian military and intelligence officers.⁵⁸⁵ The Ministry of Education in Kyiv has minimal access to information on what exactly is being taught there.⁵⁸⁶ The allegations that former officers of the fleet as well as intelligence agents are teaching subversion and anti-Ukrainian policies to students are particularly disturbing to Ukraine's territorial sovereignty because the majority of its graduates return to take on administrative positions on the Crimean peninsula.⁵⁸⁷ Moreover, since MSU graduates take on

582 Ibid., 7. (e.g. Printing of a series of anti-Ukrainian materials in Sevastopol newspaper "Rusychi" (founder and editor P. Butsai leader of the Center of protection of family and children "Rusychi", CMO "Rus Sviata") which contain elements of separatism and spurring of interethnic tensions: article No6 28.03-10.04, "Ausweiss diya 'shchyrykh patritotiv'" A. Sydorov and "Movchannyam bdaietsia Bog'd. Solovyav; No10 23.05-12.06 "Viynu mizh Ukrainoyu i Rosiyeyu pochnut u 20... potsi" (reprinted from RIA "KM.ru").

583 Ivanov.

584 Maigre, 6.

585 Ibid, 16.

586 Kulyk, personal communication.

587 Personal communications with Semenov, Tarasiuk, Bezkorovainiy and Kulyk. See also Maigre.

administrative positions in Crimea, their knowledge, networks and schooling further affects Kyiv's government policy capability in its Autonomous Crimean Peninsula.

The faculty of journalism at the Sevastopol branch of the MSU is the only one in the region. Intelligence sources consider it as the origin of workers in the mass media sectors which will serve in the editorial boards of local pro-Russian publications and television studios. The students generally follow an internship at the youth studio and production center "Devkom" and newspapers "Slava Sevastopolya", "Sevastopolska Gazeta", and even the newspaper of the Russian Black Sea Fleet "Flag Rodyny".⁵⁸⁸ Thus, the links between the Black Sea Fleet, the GRU, Moscow State University and mass media in Crimea affect Ukraine's soft power security insofar as they tie its youth to the interests and ideologies of a third state. In this regard, it is worthy to consider how the presence of the GRU has been linked to affecting another component of Ukraine's soft power, namely, the perceived relevance of Kyiv's national strategy by the Crimean population.

A specific GRU mission in Sevastopol has been identified as the creation of anti-NATO sentiment in the region.⁵⁸⁹ The 642nd grouping was supported by special officers from Moscow who "assisted in arranging the channels of distribution" and "utilization of loyal Crimean mass media" and "their men in the journalist sector".⁵⁹⁰ For many years, the printing press of the Russian Black Sea Fleet has been used to print anti-Ukrainian, anti-Western and anti-NATO publications which were dispersed throughout Crimea and a number of the newspapers were delivered to citizen's homes for free.⁵⁹¹

It is clear that media publications and reports are some of the most effective ways of influencing opinions and perceptions among people. Less clear is the legitimacy of the psychological warfare unit activities. It uses the Russian Ministry of Defense printing press to target Ukraine's soft power security. It does so by dispersing information which directly targets the perceived relevance of Ukraine's national strategy from within its own territory. Also, the source and legitimacy of funding the GRU-642nd unit receives to target Ukraine's soft power is also unclear. It has, however, been linked to money laundering operations of Black Sea Fleet construction projects both inside and outside the military bases.⁵⁹²

588 Ukrainian Intelligence Agency (SBU) Information (Служба безпеки України (СБУ) Довідка (2006). Dated 17 December. p. 2

589 Ivanov.

590 Ivanov.

591 Personal communications with Kulyk and Yatsenko O. President of the Ukrainian Student fraternity 2007, 2009 Kyiv.

592 Kulyk, personal communication.

In 2006, the Russian Black Sea Fleet was to dedicate over 24 million rubles (approx. 935,672 USD) for the purchase of printing materials for its Crimean group, eight times more than the previous year.⁵⁹³ At the same time, the command of the Russian Black Sea Fleet prohibited the printing of spetz-propaganda⁵⁹⁴ materials in the fleet's own newspaper "Flag Rodyny". The decision was taken by the need to avoid official accusations from the Ukrainian side of provocative acts from the fleet.⁵⁹⁵ As a result of this change in tactics, there can no longer be direct charges of anti-Ukrainian activities against the Black Sea Fleet.⁵⁹⁶

The move of the GRU to prohibit the printing of spetz-propaganda does not necessarily mean that the 642nd group stopped functioning. Rather, some experts suggest that it continues to work closely with pro-Russian NGOs in Crimea, after the Orange Revolution in 2004, the Press Centre cut back on its overt propaganda activities and has since channeled resources for propaganda through NGOs, mainly the Russian Community of Crimea (RCC) a pro-Russian NGO (considered below).

These tactics have been identified in the previous part as belonging to the realm of political-criminal insurgent activity.⁵⁹⁷ Particularly, R. Naylor warned NGOs and elaborate propaganda apparatus in the form of newspapers and magazines, radio and television services and transportation systems play a major role in shifting the loyalties of the population away from formal state structures and toward the insurgent groups.⁵⁹⁸

In this regard, the Russian Community of Sevastopol has been linked to the 642nd psychological operations group:

Coincidentally, the Black Sea Fleet gave the editorial department of this organization's newspaper (made of 1 person) an office in a Black Sea Fleet building located on Ryadanska 4, office 19 in Sevastopol. Curiously, the neighbors of this newspaper are the 642nd group of informational-psychological warfare. The newspaper is regularly printed by the Black Sea Fleet's printing resources which have become an instrument of this sort of warfare. For work with the local public, the Black Sea Fleet has

593 Ukrainian Intelligence Agency (SBU) Information (Служба безпеки України (СБУ) Довідка (2006). Dated 17 December. p. 3

594 Spetz-propaganda is propaganda developed by special intelligence forces of the state.

595 Ukrainian Intelligence Agency (SBU) Information (Служба безпеки України (СБУ) Довідка (2006). Dated 17 December. p. 2. See also Maigre.

596 Maigre, 6.

597 See section "State Security Agencies in Foreign Affairs"

598 Naylor R. T. (1993). *The Insurgent Economy: Black market operations of guerrilla organizations*, in *Crime, Law and Social Change*, 20. pp 16-18. See footnote 378.

given the organization additional space, this time in its Officers Building.⁵⁹⁹

The NGO activities notwithstanding, this form of cooperation influences how Ukraine's citizenry perceives the strength of its national leadership and Ukraine's internal state legitimacy.

In 2009, it was claimed that the GRU in Crimea was particularly interested in the representations of 10 publications, 4 TV channels, 2 internet projects, as well as regional representatives of the all-Ukrainian Information Agency.⁶⁰⁰ This is not an insignificant number considering the aforementioned cut back on its overt propaganda activities. The SBU identified the Russian Federation's strategy of using mass media, the media resources of the Black Sea Fleet, pro-Russian organizations and internet sites for the organization of informational expansion and conducting spetz-operations as the "key foreign threat to informational security" in the region:

These actions are openly and covertly aimed at discrediting Ukrainian independence, 'pro-Western' foreign policy and internal politics of the state (including its relations to the Russian Black Sea Fleet, propaganda of various forms of international integration, particularly in the framework of the Single Economic Space), the formation of pro-Russian civil thought, and the spread of nostalgic feelings of the local population."⁶⁰¹

All this shows how Russian-led operations target the Crimean population's collective memory, particularly its former territorial integration, to discredit the legitimacy of Ukraine's pro-Western forces and foreign policies. And, in turn, forging a disconnect between the state and its nation i.e. the population of Crimea and its relationship with Kyiv, thereby impacting Kyiv's strength of national leadership.

The Director of NOMOS, Sergei Kulyk, was asked about the legality of the anti-Ukrainian and anti-Euro-Atlantic newspapers printed by the Russian Ministry of Defense on Ukrainian territory.⁶⁰² He informed that, although the newspapers regularly contained anti-state, separatist content and that the funds used for their publishing were not transparent and likely funded, at least partially, by laundered monies, each paper was operating under a Ukrainian license. When questioned

⁵⁹⁹ Ivanov. This information was also provided in a personal communication with Sergei Kulyk.

⁶⁰⁰ Ivanov.

⁶⁰¹ Ukrainian Intelligence Agency (SBU) Information (Служба безпеки України (СБУ) Довідка (2006). Dated 17 December. p. 4

⁶⁰² The NOMOS Center is a Sevastopol-based Ukrainian NGO working on Black Sea Security and Euro-Atlantic issues.

about the validity of such a license he informed that even if it were a problem, the problem was not so grand as not to be resolved with a bribe and then stated “that is how a lot of things work around here”.⁶⁰³

This time a link was made between corruption, alleged money laundering, Ukraine’s weak institutions and pro-Russian separatist activity. The fact that corruption is rampant in Ukraine is indicative of how members of the political-criminal nexus, in this case state authorities, are willing to overlook the law, and promote the interests of the Russian Federation to the detriment of their own state.

The Federal Security Services of the Russian Federation (FSB)

The GRU is not the only Russian intelligence agency operating in Ukraine. The Federal Security Services of the Russian Federation (FSB), formerly KGB, is well known for its heavy-handed antidemocratic politics. It is also present in Crimea. Its official mission is to provide counterintelligence for the Russian Black Sea Fleet. In fact, a number of GRU officers at the Black Sea Fleet are also ‘converted’ FSB officers. “Currently the FSB works in Sevastopol under the cover of the aid to the Commander of the Russian Black Sea Fleet in Regime and Security. Upon orders of the Head of the FSB, the officers transfer to the Ministry of Defense of the Russian Federation, where they are ‘transformed’ into GRU officers and, upon their return to Russia, they return to the FSB.”⁶⁰⁴

Unlike the GRU or Russia’s Foreign Intelligence Service (SRV), the FSB is officially Russia’s internal intelligence agency. In accordance with the Russian law “on the organs of the FSB in the Russian Federation” dated 3 April 1995, the main functions of the FSB are counterintelligence and war on crime. Simultaneously, “with the objective of receiving information about possible threats to the security of the Russian Federation” the FSB is also mandated to conduct intelligence.⁶⁰⁵ There are two documents that have regulated the relations of the SBU and FSB: document on cooperation between the SBU and MB of the Russian Federation dated 20 July 1992 and the protocol signed in June 2000 by Kuchma.⁶⁰⁶ Neither agreement provides legal grounds to utilize the FSB for intelligence operations against Ukraine. Moreover, the CIS Agreement prohibits such use of intelligence services within the

603 Kulyk, personal communication.

604 Ivanov.

605 Ivanov.

606 The MB was the counterintelligence service which was later integrated into the FSB in 1995.

former Soviet Union, doing so is equivalent of the FBI rather than the CIA operating in Central and Latin America.⁶⁰⁷

The FSB presence and operations on Ukrainian territory were not welcome by the pro-democratic government. In 2009 and 2010, arguing that the SBU had sufficient resources to provide full security and counter threats to the Black Sea Fleet, Ukraine's Intelligence Chief Nalyvaichenko asserted: "...we do not need assistance or the physical presence of foreign secret services".⁶⁰⁸

This notwithstanding, in 2009 there were 19 confirmed FSB officers working in the Russian Black Sea Fleet and Russia asserted they were there to ensure the fleet's security. Their function has been described as, "counterintelligence to secure the RBSF on Ukrainian territory, control and analysis of the development of the military-political and economic situation in the region, work with local pro-Russian forces to influence the situation in Crimea and Sevastopol, gathering information with aid from agents and special technical machinery."⁶⁰⁹ The true number, origin and mission of the agents remains unclear and some of them have been linked to activities that fall beyond what could be reasonably understood as counter intelligence for the Russian Black Sea Fleet.

For instance, a number of high-level government sources both inside and outside Ukraine have confirmed that the fleet was involved in gunrunning as well as the illegal import and export of goods in Ukraine.⁶¹⁰ In 2007, it was confirmed that the fleet was known to occasionally traffics in illicit goods. At the time, the latest such incident pertained to the illegal import of butter.⁶¹¹ Thus, merchants at the main Sevastopol market were questioned in this regard. Although a number of them chose not to respond, two senior persons, one woman selling butter and a man selling eggs and cheese confirmed that on occasion low cost products from the unofficial market were delivered by men from the Russian Black Sea Fleet as well as other local traders.⁶¹² Next to the hesitation they felt in talking about the subject no animosity was expressed toward the men who allegedly delivered illegitimate products. In fact, the lady thanked God for them asserting that since the demise of the Soviet Union, the standard of living in Sevastopol had come down to one of bare survival. She exclaimed, "The boys make our lives easier".⁶¹³

607 Kuzio (2009 b) .

608 Kuzio (2010 b).

609 Ivanov.

610 Seer also Blank (2007).

611 Savchenko (2007), personal communication.

612 Personal communication with market traders in (Sevastopol, March 2007),

613 Ibid.

Of course, the fact that illegal cargo is imported into Ukraine using a third state's fleet is in itself an indication of the political-criminal nexus at work. Moreover, this perhaps simple example is critical. It shows how the illegal import of food positively influences the perceptions of the local population, forming a relationship of perceived common interests between the fleet, those who illegally import (food) products and the local population.

Another example of illegitimate products imported and being sold in Sevastopol pertains to energy resources. FSB officer identified as Kysenev has been linked to operations whereby large-scale amounts of fuel products are unlawfully transported and stored in the rear sections of the BSF and are later sold at commercial gas stations in Sevastopol.⁶¹⁴ Furthermore, Kysenev allegedly secures shadow fuel operations from the scrutiny of Ukraine's tax offices.⁶¹⁵ Another, more formal link has been made to the Russian Black Sea Fleet and tax evasion. In 2008, Ukraine's State Tax Service was investigating two tax evasion cases in which BSF officials are involved. It was estimated that direct losses sustained by the Sevastopol city authorities as a result of unpaid taxes exceeded \$1.3 million.⁶¹⁶ The trafficking in energy resources and tax evasion practices directly links the post-Soviet political-criminal nexus in Crimea to a parallel economy and operations targeting Ukraine's economic power.

Another example of how FSB officers have become integrated in the social fabric of Sevastopol through the Black Sea Fleet is also found in a 2007 example of Officer Gennadiy Sydchenko. Sydchenko opened a beer and non-alcoholic beverage business and later a hair salon in the name of his wife on the territory of the military dormitory located at General Ostyakov Avenue 61 in Sevastopol.⁶¹⁷ It should not be forgotten that this is an operative from a third state who although running businesses is a spy working for the interests of the Russian Federation. The opening of the aforementioned shop and salon clearly promotes the integration of the officer and his family into Ukraine's society. Inevitably, it also influences the "we" perceptions of the local populations. These perceptions are a pivotal part of soft power security. Thus, when local populations not only cohabitate with secret agents of a third state but also make use of their commercial services

614 Ivanov. This officer is allegedly the same man who recruited Kosylov to organize the collection of information on citizens of Sevastopol who may be of interest to the Russian Federation, as noted above.

615 Ibid.

616 Mostovaya.

617 Ivanov.

A more disconcerting case is found in the allegation that a Black Sea Fleet FSB officer, Sergei Zharkov, is known to train private security officers, Ukrainian citizens, for the company "Force Majeure".⁶¹⁸ The role of private security companies, particularly those in post-Soviet states with direct links to Russia's FSB, is worthy of scrutiny. Due to the weak rule of law within these states many businesses and entrepreneurs must operate with a "krysha" (or cover) to protect them from outside raiders and governmental intrusion by way of force or bribery. The "krysha" is perhaps one of the clearest examples of the post-Soviet political-criminal nexus. From this example, the extent to which the FSB is involved in training private security officers on Ukrainian territory is not clear, nor is the purpose. However, the fact that foreign intelligence officers are training private security officers in Crimea is noteworthy. Whereas the aforementioned examples showed how Russian officers connected to the Russian Black Sea Fleet function to create a parallel economy, this example is indicative of how a potentially rogue network of fighters may be created.

The type of surveillance being conducted by the FSB on Ukrainian territory is also unclear. For instance, in Feodosiya, FSB officer, Sergei Lyashchenko, caught the attention of Ukrainian secret services because he was trying to create channels of influence within the Tatar population. The objective was to replace the management of the Medjilis with persons with pro-Russian sentiment.⁶¹⁹ It was further planned to use this information under the discretion of the higher management of the intelligence service, particularly to discredit the pro-Ukraine, pro-democratic Medjilis. The operation was supervised by the FSB's Navy Department Head, Colonel Valery Shalakhin.⁶²⁰

In 2009, a RBSF officer was apprehended at the Ukrainian-Russian border with surveillance equipment. The SBU established the equipment was used to eavesdrop and interdict mobile communications. The officer identified himself as a service man from the 810th section of the RBSF Marine Corps stationed in Sevastopol. The SBU investigation revealed that this was a false identification. The seized surveillance recordings proved that he was conducting activity that was harmful to Ukraine's national security, the FSB was informed of the incident and the officer was released.⁶²¹

These activities of certain FSB officers indicate the intelligence agencies of the Russian Federation are embedded in the social and political fabric of Crimea and

⁶¹⁸ Ivanov.

⁶¹⁹ Ibid.

⁶²⁰ Ibid.

⁶²¹ Ibid.

some even linked to organized illegal activity of a Russian-centered post-Soviet political-criminal nexus. However, the extent to which this is so must also be considered from another angle.

In the preceding paragraphs five examples were given of how the FSB in Crimea has been linked to either criminal behavior such as illegal trafficking of goods, and tax evasion or social networks such as private security organizations who by their very nature in post-Soviet states tend to fall into the realm of the political-criminal nexus. Unauthorized interference with the political-ethnic Tatar group as well as unlawful surveillance are also indicative of informal activities taking place within Ukraine's territory that are directly linked to the Russian Federation and its Black Sea Fleet. It is possible then to conclude that since there were only 19 FSB officers formally on mission in Crimea, it would mean that 5 of the 19 officers have been identified as partaking in activity harmful to Ukraine's national security.

It has also been asserted that by using the Russian Black Sea Fleet as pretence for sending FSB officers to Ukraine, the Russian Federation employs forces to coordinate local pro-Russian separatists. "This group works closely with the leaders of these organizations and consults them on when and where demonstrations and protests should be carried out."⁶²² Disregarding the legal justification or status of the FSB presence in Ukraine, the allegations of orchestrating separatism are serious.

The SBU concluded that assignments carried out by the Russian secret services in Crimea depart from collecting national secrets, and include active actions aimed at creating a position of influence within the regional organs of the government, administration, societal-political spheres and in the mass media sector.⁶²³ Both, politicians and academics have argued that "there is no viable separatist or irredentist threat in Crimea" and that the small groups that support Crimean separatism are in fact "marginal specks on the Crimean political radar" used by the Russian Federation to "hinder or just plainly sabotage Ukraine's admission to NATO and to extend the lease of the military base located in Sevastopol (Crimea) where the Russian Black Sea Fleet (BSF) is anchored".⁶²⁴ However, should their conclusions be valid, it would mean that the threat of separatism in Crimea had been overemphasized and informally orchestrated to serve the interests of the Russian Federation. It is therefore necessary to consider how Ukraine's soft power security has been influenced on the peninsula further.

⁶²² Ibid.

⁶²³ Ukrainian Intelligence Agency (SBU) Information (Служба безпеки України (СБУ) Довідка (2006). Dated 17 December. p. 1

⁶²⁴ Mizrokhi, see also Mostovaya.

3.2.2 Intelligence and other support

Ivanov claims that socio-political influencing in Crimea has its origins in the Kremlin, which not only gathers information about events in Ukraine but actually organizes them, particularly, in Sevastopol.⁶²⁵ One of the alleged manners in which it does so is through NGOs.⁶²⁶ There are a number of pro-Russian non-governmental organizations in Crimea.⁶²⁷ And, it is necessary to consider some of the kinds of support pro-Russian NGOs in Crimea reportedly receive from the Russian Federation.

According to Kulyk, none of these organizations have an ideational section, as this function falls within the realm of responsibility of covert Russian informational-psychological structures in Crimea.⁶²⁸ Moreover, actors linked to the Russian Black Sea Fleet and nationalist youth groups from Russia such as Nashi and Eurasian Youth Union are also known to provide logistical support to Russian-Nationalist NGOs in Crimea.⁶²⁹

Remarkably, these youth group organizations also operate to support breakaway regions in Georgia and Moldova and promote Slavic union with the Russian Federation. In fact, it has been claimed that pro-Russian groups advocating separatism or union with Russia have “been able to bloom almost exclusively with the material support and rhetorical assistance from the Russian Federation.”⁶³⁰

The true nature and source of the funding provided for the promotion of Russia’s culture and friendship with Crimea is disputed. The “lavish” funding pro-Russian NGOs receive from the Kremlin has been noted as Russia’s response to “their interpretation of the Orange Revolution as an American funded, NGO-organized event” thus, the use of soft power here reveals that the “the line between promoting Russian culture and promoting separatism is a fine one.”⁶³¹

In 2006, Ukraine’s presidential secretariat confirmed Ukraine’s secret services had linked the Russian Federation to illegitimate funding of pro-Russian NGOs in Crimea.⁶³² Kuzio reports that part of the funding for Russian nationalist-separatists is transferred through covert Russian assistance using grants from the government foundation Rusky Mir (Russian World). Moreover; Moscow Mayor Yuri Luzhkov’s

625 Ivanov.

626 Mostovaya.

627 See Appendix B.

628 Kulyk, personal communication.

629 Kuzio, (2006).

630 Mizrokhi, 18.

631 Marson.

632 Kuzio (2006).

influence over the Moscow city council has led the city to openly donate at least \$20 million to Crimean projects.⁶³³ Whereas Mizrokhi notes the funds are also derived from legitimate sources including the Moskva-Krym Foundation and various other expatriate funds, there appears to be a consensus that a large segment of the funds is derived from illegal and even transnational organized criminal activities.⁶³⁴ These allegations point to the operation of a post-Soviet political-criminal nexus in Crimea and funds used to promote separatism in Ukraine.

The formal allegations in this regard pertain to three informal money sources; kickbacks and money laundering from construction projects including those on the territories of "leased" military bases; the illegal sub-rental and sale of Ukrainian territories and objects "leased" by the Russian Black Sea Fleet, and; Yuri Luzhkov, in his capacity of businessman.

Together with his wife, Yelena Baturina Moscow's former mayor is part of the political-criminal nexus.⁶³⁵ Hundreds of millions of dollars from Russia's coffers have allegedly been funneled through illegal privatization and corrupt construction practices.⁶³⁶ In 2010 Luzhkov was also linked to the attempted murder of a journalist who led the fight against the construction of the Khimki road construction, which allegedly was designed to cut through Moscow's protected nature reserves so as not to disturb the serenity of Luzhkov's private multi-million dollar compound.⁶³⁷

Yuri Luzhkov is a major real estate investor in the Crimea.⁶³⁸ He has also been linked to corrupt construction business practices there, including the construction directorate of the Russian Black Sea Fleet. His support of newspapers and cultural projects in Sevastopol is well known, but he also has several business interests in the city that conspicuously pick up a number of local tenders.⁶³⁹ The practice has been described as follows: "a tender is announced in one small newspaper and the next morning a Moscow company controlled by Moscow Mayor Luzhkov turns out to be the winner... Such shadow tactics do a lot of harm to

633 Kuzio, T. (2010 a). Yanukovich's Election Opens Up Crimean Separatist Threat in Eurasia Daily Monitor, Jamestown Foundation Volume: 7, Issue: 41. Available at:

<http://www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=36104&tx_ttnews%5BbackPid%5D=484&no_cache=1>

634 Mizrokhi, 16.

635 Yelena Baturina was Luzhkov's secretary. Today she is a real-estate magnate estimated at a net worth of \$2.9 billion. In 2010 she was the richest woman in Russia and third richest woman in the world. See also Forbes Magazine, August 2010.

636 Hoffman, D. (2002). The Oligarchs, New York: Public Affairs. pp. 54-77.

637 RFE/RL (2010). TV Documentary Targets Moscow Mayor, posted 11 September. Available at: <http://www.rferl.org/content/TV_Documentary_Targets_Moscow_Mayor/2155109.html>, see also: Business/Case in a Cap, Investigative Film about Luzhkov (Дело в кепке ЧП. Расследование / Фильм о Лужкове. (2010), for NTV (Программа НТВ). Released 10 September. Available at: <<http://www.youtube.com/watch?v=YZemW2GxEw&feature=related>>

638 Kupchynsky. See also Forbes Magazine, August 2010.

639 Marson.

Crimea!”⁶⁴⁰ The preferential position Luzhkov has in picking up tenders suggests his interests there are more than political; they are material. This differentiation makes the Palermo Treaty against Transnational Organized Crime applicable to this sort of transgressions of criminal law.

If the allegations against him were proven, his activities would eloquently depict the level at which the post-Soviet political-criminal nexus functions in Crimea. This is particularly true as the Russian Black Sea Fleet’s construction directorate figures at the center of some scandals.

According to V. Logvinets, the directorate has built apartment buildings for the fleet’s service men, on rented territory and has then resold them to lay Russian and/or citizens of Crimea. Also, “The structures of the Russian Ministry of Defense continue to sell property they have rented from Ukraine, particularly in Sevastopol – e.g. the sale of Sevastopol military Gorodok No 289⁶⁴¹ to a limited liability company registered in Kyiv. The property was then sold to the construction directorate of the RBSF at Russian the Ministry of Defence.”⁶⁴² Thus, Ukrainian territory which has been rented out to the Russian military under questionable circumstances is used to construct dwellings that are later sold to Russian and Crimean citizens. The legitimacy of this notwithstanding, it clearly targets all of Ukraine’s power potential and security sectors.

The construction directorate of the Russian Black Sea Fleet is connected to another apartment scandal. This time, with a \$40 million investment by Yuri Luzhkov, a private entity of the RBSF construction directorate was created. Among its projects was the construction of 4 apartment buildings on military section # 53074 on Astana Kasayeva Street in Sevastopol. The firm did not realize the project and although 197 Crimean families paid, in full, for their part of the investment, they received nothing in return. Once again, construction fraud and embezzlement were linked to the Russian Black Sea Fleet and Luzhkov. Fifty two of these persons have appealed, by letter, to President Medvedev and Prime Minister Putin to intervene and bring the situation to justice. It is noteworthy that in their appeal, the citizens of Crimea noting the political tensions between Russia and Ukraine’s the democratic coalition asked the president not to victimize Crimean citizens as a result of their power struggle. The Russian

⁶⁴⁰ Mostovaya.

⁶⁴¹ More than 3000 m2 of storage, workshops, studios which are found on territory exceeding 4 hectares in the center of Sevastopol.

⁶⁴² Logvinets.

leaders did not acknowledge their appeal and the scam left all the citizens with hundreds of thousands of private dollars in lost funds and no new homes to live in.⁶⁴³

Luzhkov's investments in Sevastopol also include the commercial center "Moscow" as well as the Moscow State University – Sevastopol Branch.⁶⁴⁴ His formal support of development in Crimea and Sevastopol is mainly based on friendship treaties signed between the Russian Federation and Ukraine to promote economic and cultural cooperation between the two states.

Paradoxically, while speaking at a press conference in Moscow in 2008, Luzhkov proclaimed his campaign to save ethnic Russian Ukrainian citizens in Crimea from the terrible fate of learning the language of the country they live in.⁶⁴⁵ Then, on 23 July 2008, he announced that Moscow would send \$34 million from its own budget to Crimea to "promote the teaching of the Russian language" and to support the "Diaspora abroad" for the period 2009-2011, and a total of \$47.65 million toward "direct support for the united Russian Diaspora abroad, \$2.76 million for "information cooperation" with this Diaspora and \$14.2 million to support the Russian language, culture and education, the destination of the remaining \$11 million was not revealed.⁶⁴⁶

The manner in which this money will be spent is open to interpretation: "direct support for Russians abroad could well mean financing various separatist groups who could arguably engage in terrorist acts against Ukrainian authorities in Crimea. Luzhkov's 'cultural' money could also be a means of channeling funds for Russian covert intelligence operations in the region."⁶⁴⁷ Even to the untrained eye, the connections between covert separatist operations, funding from the city of Moscow, construction scams including embezzlement, tax evasion, insider trading and business tenders are indicative of how of transnational political criminal activity in Crimea strengthens Russia's influence over in the Peninsula.

As Luzhkov, with support and coordination from the Russian Federation and its Fleet, injected multi-millions of dollars (albeit illegitimately at times) into the poverty stricken peninsula, Ukraine's government did virtually nothing. What Ukraine did do is declare Luzhkov *persona non grata* numerous times. For example, in May

643 Данилюк А. (2009) Danyliuk, A. (2009) Аферисты с Черноморского флота (Swindlers from the Black Sea Fleet), ФЛОТ2017, posted 23 April. Available at: <<http://flot2017.com/show/opinions/5491>>

644 Kuzio, T. (2009 c). Ukraine Tightens the screw in Sevastopol in Eurasia Daily Monitor, Jamestown Foundation, Volume 6 Issue: 141, posted 23 July. Available at:

<http://www.jamestown.org/programs/edm/single/txt_tnews%5Btt_news%5D=35304&tx_tnews%5BbackPid%5D=485&no_cache=1>

645 Kupchynsky.

646 Ibid.

647 Ibid.

2008 Luzhkov was prohibited from entering Ukraine for publicly calling for the return of Sevastopol to Russia and suggesting Sevastopol was not transferred to Ukraine in 1954.⁶⁴⁸ When the SBU announced Luzhkov would be denied entrance to Ukraine, it “underscored that the mayor of Moscow was suspected of money laundering via the Crimea” but “no proof of this has yet been offered and Luzhkov has not made any denials”.⁶⁴⁹

Remarkably, almost immediately after Luzhkov was dismissed from his 18 year-long Mayoral position amidst rumors of criminal activity and corruption, on 30 September 2010, Vladimir Tyunin, a Ukrainian Deputy from the pro-Russian party, “For a United Russia”, which is linked to Luzhkov funds, called upon him to consider a run for mayor of Sevastopol.⁶⁵⁰

Luzhkov’s other compatriots have also been declared *persona non grata*. For instance, Konstantin Zatulin the Head of the Commonwealth of Independent States Institute (CIS Institute), was accused of promoting hatred and separatism; the security services of Ukraine also demanded that the Sevastopol branch of Zatulin’s CIS Institute be shut down for targeting Ukraine’s national security and integrity in Crimea.⁶⁵¹ The former Chef Counselor at the Russian Embassy in Ukraine Vladymyr Lysenko has also been (repeatedly) declared *personae non grata* for promoting separatism and unfriendly acts against the Ukrainian state. Also noteworthy here is that some employees of Russia’s Ministry of Foreign Affairs work for Russia’s foreign intelligence service (SVR). Particularly, it has been alleged that Lysenko, working for the SVR and as a functionary of the RBSF, organized and financially sponsored of one of Sevastopol’s pro-Russian Organizations “Ruskiy Bloc”. The results of that diplomat’s work are said to include logistical support of numerous anti-NATO protest actions, counteractions against the Ukrainian government and NGOs particularly in actions connected to the stationing of the RBSF.⁶⁵² Thus, there is a link between Russian diplomats in Ukraine, shady money trails and the promotion of separatism in Crimea. It points to the instrumentalization of the political-criminal nexus.

3.2.3 Pro-Russian Institutions

The CIS Institute (opened in Sevastopol in 2006 and ordered to shut down) and the Moscow House in the Center of Sevastopol serves as centers for pro-Russian

648 Mizrokhi, 18.

649 Kupchynsky.

650 RFE/RL (2010 b). Luzhkov for Mayor of Sevastopol, posted 30 September. Available at: <http://www.rferl.org/content/Luzhkov_For_Mayor__Of_Sevastopol/2173220.html>

651 Mizrokhi, 18.

652 Ivanov.

cultural and business. However, there are numerous pro-Russian organizations in Crimea.⁶⁵³ Many of them have been investigated by Ukraine's intelligence services for spurring separatism, their connection to the Russian security services and organized crime.

These include 3 pro-Russian Youth movements i.e. Proryv, the Eurasian Youth Union movement and Nashi. All of these have been termed radical for inciting separatism, being extremely anti-Western, anti-Ukrainian and were banned by Ukraine's pro-democratic government..⁶⁵⁴ These youth organizations also operate to support other separatist areas in the Black Sea Region. For instance, Proryv had/has branches in Transdnistria, Abkhazia, South Ossetia and Crimea. In Ukraine, Proryv together with the Eurasian Youth Union were banned by the Orange Coalition as a result of their radical, almost "terrorist-like" activities.⁶⁵⁵

An extremely ominous link has been made between one of these organizations and the post-Soviet political criminal nexus in this regard. The makers of the 2005 French documentary "Trafficking Arms on Europe's Doorstep" linked Dmitri Soin, the president of the youth organization Proryv in Transdnistria, to the trafficking of arms. Particularly, Soin, who is also an official in the Transdnistrian secret service, was linked to the attempted sale of a radioactive bomb.⁶⁵⁶ He is also wanted by Interpol for "Crimes against Life and Health".⁶⁵⁷ Thus, once again it is possible to link pro-Russian separatism to pro-Russian NGOs in post-Soviet states to the post-Soviet political-criminal nexus.

It is pertinent to note here that the pro-Russian paramilitary Crimean Cossack Union also supports relations with parallel organizations in the frozen conflict territories of Transdnistria, Abkhazia and Ossetia, and, it is closely related to the Russian Community in Crimea (RCC)⁶⁵⁸ It is noteworthy that the Cossaks share the Russian Orthodox position and are poised against pro-Western democratization and Euro-Atlantic integration. Both of these organizations maintain the spiritual notion that Russian orthodoxy holds the seat of the "Third Rome" as an instrument against the Ukrainian Orthodox church (Kyiv patriarchate), Ukrainian Catholicism and Islam. In this regard, the soft power security component of national integration is affected by

653 See appendix B.

654 For a concise presentation and description of the main pro-Russian political parties, institutes and NGOs in Crimea, please see Maigre, (2009: 11).

655 Mostovaya.

656 Trafficking Arms on Europe's Doorstep (2005). Documentary by France's Canal+ December. Available at: <<http://www.youtube.com/watch?v=KOip16BoYv8&feature=related>>

657 Interpol. Wanted: Dmitri Soin. Available at:

<http://www.interpol.int/public/Data/Wanted/Notices/Data/2004/70/2004_52070.asp>

658 Shapovalova.

way of causing religious tensions. The role of the Russian Orthodox Church is considered in further detail in the following section.

Together with the remaining, smaller organizations, the aforementioned organizations and institutes are interconnected by social networks which include political and financial support from Russia.⁶⁵⁹ It should be noted however that with the exception of the two umbrella NGOs (i.e. the Russian Community of Crimea and the People's Front "Sevastopol-Crimea-Russia") the pro-Russian organizations and movements are claimed to be rather marginal on the political map of Crimea. However, this marginality does not prevent them from being instrumental in pressuring Kyiv not to take decisions which are displeasing to the Russian Federation i.e. NATO exercises, promotion of Ukrainian culture, history and language and Black Sea Fleet issues.

Ruskaya Obshina Kryma (Russian Community of Crimea)

The Ruskaya Obshina Kryma or, the Russian Community of Crimea (RCC) is the follow-up organization to the former Crimean Republican Movement and the Republican Party of Crimea. In the 1990s the Republican Party of Crimea was considered as nothing more than a front for organized crime on the peninsula.⁶⁶⁰ Since the mid- 1990s, the RCC has been financed by Yuri Luzhkov (i.e. Moscow Mayor's Foundation "Moscow-Crimea"), the Russian Duma member and Head of the CIS institute, Konstantin Zatulin, the Russian Ministry of Foreign Affairs and the Presidential Administration.⁶⁶¹ Every year the amount of financing the RCC receives from the Russian Federation is growing and lacks transparency.⁶⁶²

Today, the RCC is a pro-Russian political player in Crimea; an umbrella NGO made up of at least 25 regional organizations and 15,000 members.⁶⁶³ Its leader, Sergei Tsekov, is not only the First Deputy Speaker of the Crimean Verkhovna Rada, he is a member of the Presidium of the International Council of Russian Compatriots established in 2002 by the Moscow administration as well as a member of the Coordination Council of Russian Compatriots established in 2006 by the Ministry of Foreign Affairs of Russia.⁶⁶⁴

Although there are a rather large number of pro-Russian NGOs in Crimea, the RCC is the largest and most politically penetrated. The level of penetration and

⁶⁵⁹ Ibid.

⁶⁶⁰ Kupchynsky.

⁶⁶¹ Mizrokhi, 15.

⁶⁶² Shapovalova.

⁶⁶³ Mizrokhi, 15.

⁶⁶⁴ Maigre, 11.

governmental connection with the Kremlin is perhaps best depicted by the fact that by joining the Party of Regions in Crimea in 2005, the leaders of the Russian Community of Crimea were able to enter the Crimean Parliament in 2006 and participate in public policy making.⁶⁶⁵ Importantly, the majority of RCC members are associated with the Russian Bloc, the Party of Regions of Ukraine, the Communist Party and the Progressive Socialist Party of Ukraine.⁶⁶⁶ In 2009, thirteen of the 76 deputies of the Simferopol City Council were members of the RCC.⁶⁶⁷ According to Tsekov, the Russian Community of Crimea is involved in numerous charity and social projects and owns more facilities than any public organization or any active party in Crimea.⁶⁶⁸ The RCC also cooperates closely with the Russian Cultural and Educational Centre providing assistance to Crimeans in obtaining higher education in the Russian Federation. This is particularly important in light of the fact that citizens of former soviet states are able to gain Russian citizenship if “the person is a citizen of a former Soviet state which received middle professional or higher professional education in an educative facility of the Russian Federation after July 2002”.⁶⁶⁹ This regulation should draw attention to the fact that the Moscow State University has a branch located on a rented military base in Crimea which is marked as territory of Russia.

The RCC has been identified as a major cultural and political player that “fights fiercely against the “*Ukrainianization*” of Crimea and aims to integrate Ukraine with Russia” and a major cultural and socio-political player.⁶⁷⁰ It is affiliated with the Institute of the CIS States.⁶⁷¹ In Ukraine, the Crimean office of the CIS Institute, led by Admiral Vladimir Illyich Solovyov, a former Head of the Intelligence Division of the Black Sea Fleet had been shut down by the SBU for inciting interethnic tensions, separatism and anti-Ukrainianism. Thus, it is necessary to take note of the linkages existing between the RCC, organized crime (by way of its predecessor the republican party of Crimea), Moscow’s former Mayor Luizhkov, Russian military intelligence and anti-Ukrainian separatism.

665 Shapovalova.

666 Maigre, 11.

667 Ibid.

668 Ibid., 12.

669 Izmailova E. (Измайлова, Е.), (2009). Multi-passport: Russian citizenship from South Ossetia to Crimea (МУЛЬТИПАСПОРТ: российское гражданство от Южной Осетии до Крыма), written for ФЛОТ2017, posted 9 September. Available at: < <http://flot2017.com/show/opinions/10577>>

670 Maigre, 12.

671 Ibid., 11.

*The People's Front "Sevastopol-Crimea-Russia" (SCR)*⁶⁷²

The people's front Sevastopol-Crimea-Russia is a RCC related organization. The SCR has been under criminal investigation for destabilizing the situation in Crimea through illegal activities including the deliberate discreditation of Ukrainian authorities.⁶⁷³ This is a direct targeting of Ukraine's soft power security, namely, the strength of national leadership. It was identified by the SBU as an organization which receives attentive media attention, "Because dirty money, including funds from construction of objects of the RBSF finance the organization and its PR".⁶⁷⁴ The above statement from Ukraine's security agency links the organization to the post-Soviet political-criminal nexus. Thus, it is interesting to consider this organization, whether it is linked to organized crime and other activities that further target the other elements of soft power security.

In 2008, the Ministry of Internal Affairs of Ukraine noted illegal activities of the People's Front "Sevastopol-Crimea-Russia" in Crimea and submitted a request to the SBU to investigate the organization with the objective of preparing a legal case to shut it down.⁶⁷⁵ On July 1, 2008, the SBU reported the arrest of 2 individuals in the Crimea, members of the unregistered "People's Front – Sevastopol – Crimea-Russia, and charged them with agitation for dismembering the "territorial integrity of Ukraine".⁶⁷⁶ and, in accordance with Article 110 of Criminal Codex of Ukraine, criminal cases were brought against Valeriy Podiacheg (the leader of the SCR fled in the fall of 2009 and his whereabouts are unknown) and Semen Kluyev another SCR leader for violating the territorial sovereignty of Ukraine.

The SBU petitioned the Ministry of Justice to ban the People's Front "Sevastopol-Crimea-Russia claiming it was inciting socio-political upheaval and was "controlled from abroad".⁶⁷⁷ Whereas Podiacheg fled from the law, Kluyev was found guilty by the court of first instance and was sentenced to 4 years of prison. The Court of Appeals upheld the judgment. However, A few months after the instatement of pro-

672 A chronological list of activities of "The People's Front Sevastopol-Crimea-Russia" that target Ukraine's soft power security is provided in Appendix C.

673 Mostovaya, see also Mizrokhi, p18.

674 Fleet2017 (ФЛОТ2017), (2009). Separatism in Crimea is financed by the construction of objects by The Black Sea Fleet, - Nalyvaichenko (Сепаратизм в Крыму финансируется на деньги от строительства объектов ЧФ, - Наливайченко), posted 17 February, available at: <<http://fлот2017.com/show/opinions/3282>>

675 NewRegion (Новый Регион), (2008). Lutsenko's Advisers ask SBU to shut down the Front "Sevastopol-Crimea-Russia" (Соратники Луценко просят СБУ запретить Фронт "Севастополь-Крым-Россия"), posted 13 November. Available at: <www.nr2.ru/liev/206209.html>

676 Kurchynsky.

677 Kuzio, T. (2010 a). Yanukovich's Election Opens Up Crimean Separatist Threat in Eurasia Daily Monitor, Jamestown Foundation Volume: 7, Issue: 41. Available at:

<http://www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=36104&tx_ttnews%5BbackPid%5D=484&no_cache=1>

Russian Victor Yanukovich to the Ukrainian presidency, the Supreme Court overturned his sentence, and he was set free.

It is worthwhile considering the People's Front "Sevastopol-Crimea-Russia" activities as they pertain to Ukraine's soft security. A list of their activities on the peninsula is provided in Appendix C. At first sight activities such as the burning of Ukrainian books, unlawful hanging of Russian flags on Ukrainian administrative buildings, publically equating NATO and Ukrainian patriots with the Nazi regime, the hanging of swastikas on the gates of Ukrainian military bases and appeals to the Russian President and Duma to annex Crimea may seem rather radical and benign. However, when such activities are well organized, recurring and receive much media attention they strategically, albeit slowly, deteriorate Ukraine's soft power security by targeting the perceptions of people in Crimea.⁶⁷⁸ And, in turn, they stimulate horizontal competition in the societal security sector (i.e. strategic promotion of ethnic conflict and separatism).

The Orthodox Church

The Russian Orthodox Church is another institution and important player in Crimea that must be considered in light of horizontal competition and anti-Euro-Atlantic policies in Ukraine. To understand how and why the Russian Orthodox Church can be used as a Russian foreign policy instrument it is necessary to briefly consider its past.

In 988 the Grand Prince of Kyiv, Volodymyr the Great baptized Kyiv and the rest of Kyivan Rus. His decision to do so was fueled by the belief that a monotheistic religion would consolidate his power, his choice was determined after the Byzantine Emperor Basil II turned to him for help in defeating his rival Bardas Phocas. Volodymyr agreed to provide military aid under condition that he would marry Basil II's daughter Anna. The condition was agreed to on the condition that Volodymyr converted himself, and all his peoples, to Christianity. On 1 August 988, the Kyivan Rus was officially christened. It was marred by mass forced conversions; the rest of Kyivan Rus was slowly converted to Byzantine Christianity.

The following year, 989, Volodymyr besieged the greatest city in the North East of the Black Sea Region, the city of Chersonese Taurica (Crimea). Chersonese was an important manufacturing and trade center and lies less than 20km away from

678 A chronological overview of SCR activities which targeted Ukraine's soft power security during the period 2005 – 2010 is provided in Appendix C. There, each activity has been ordered according to the element of soft power security it affects. However, the elements of soft power overlap. Since one activity may affect one or all of the elements of soft power security, the categorization has been made according to the most obvious element to be affected.

what is now Sevastopol. This religious history which unites the current states of the former Kyivan Rus continues to be a source of contention and a political instrument in Russian foreign policy. In fact, the Russian Federation promotes the notion that it, together with the Russian Orthodox Church, holds the position of “The Third Rome”. It holds that Crimea is the cradle of Russian Orthodoxy and must unite the Belorussian, Russian and Ukrainian states.⁶⁷⁹ This notion is publicly supported by the RCC as well as the CIS Institute directed by Konstantin Zatulin in Moscow. Zatulin, a repeat *persona non grata* in Ukraine, was declared *personal non grata* (again) in 2008 for attempting to destabilize public order. He, along with other Duma deputies, planned to participate in the commemoration of the 1,020th anniversary of the conversion to Christianity of Kyivan-Rus.⁶⁸⁰ Zatulin is one of the main supporters of the “Third Rome” and is known for inciting animosity between the Russian Orthodox Church, the Ukrainian Orthodox church (Under Kyiv’s patriarchate) and the Crimean Tatar’s Islamic faith.⁶⁸¹ Moreover, the Russian Orthodox Church, together with the Russian Cossak organization in Crimea has been noted for spurring a religious “war of symbols” against the Crimean Tatars.⁶⁸²

It is a well known fact that the priests and patriarchs of the Russian Orthodox Church have a special relationship with the KGB.⁶⁸³ During the Soviet era, “the whole church was under its control.”⁶⁸⁴ In fact, even the current Russian Patriarch Kiril I is a former KGB officer. This brings to light an even more intimate relationship between the histories of Prime Minister Putin’s professional history and the Russian patriarch.⁶⁸⁵

Importantly, the separation between the Russian state and the Russian Orthodox Church is not a realized fact. In Ukraine, the Orthodox Church under the Russian Patriarchate regularly organizes demonstrations and marches against NATO, Euro-Atlantic integration and democratization. In Crimea, priests of the Russian Orthodox Church in Crimea frequently participate in anti-NATO rallies and in anti-Tatar actions. A number of priests currently serving in the Russian Orthodox

679 Mordashov V. (МОРДАШОВ, В.), (no date). Crimea and Sevastopol – the cradle of Russian Orthodoxy and symbol of Russia itself... (Крым и Севастополь – это колыбель Российского православия и символ полноценности самой России...), Congress of Russian Associations of Crimea (Конгресс русских общин Крыма). Available at: <<http://kro-krim.narod.ru/LITERAT/KRIM2/simvol2.htm>>

680 Kupchynsky.

681 Mordashov.

682 Statement of the Spiritual Directorate of Crimean Muslims (2000), in Tatar Newspaper “Avdet” posted 13 April, No 13. See also Maigre, 15.

683 Armes. K. (1994). Checkists in Cassocks, in *Demokratyzatsiya: The Journal of Post Soviet Democratization*, Volume 1 Number 4, Autumn, pp 72-83. see also Marko, V. (Марко В.), (1997). (The KGB of Moscow’s Patriarchate (КГБ Московского) in For a Free Ukraine (За Вільну Україну), posted 21 January.

684 Higgins, A. (2007). “Putin and Orthodox Church Cement Power in Russia, in *The Wall Street Journal*, posted 18 December. Available at: <http://online.wsj.com/article/SB119792074745834591.html?mod=hpp_us_inside_today>

685 Ibid.

churches in Crimea are former officers of the Black Sea Fleet.⁶⁸⁶ More over, once a week, the Russian Orthodox Church distributes a free pro-Russian propaganda newspaper *Rusychi*, which is printed at the publishing house of the Russian Black Sea Fleet.⁶⁸⁷

Slavic-Tatar Relations

Slavic-Tatar hostility is another point of concern in Crimea. There has been a major influx of Tatars who are returning to their Crimean homeland after years of banishment as a result of Russian annexation of the Crimea under Catherine the Great in 1783 and Stalin's mass deportation policies in the 1940's. Between 1780 and 1914 hundreds of thousands of Tatars emigrated to Ottoman Turkey, (where many remain in modern Turkey with a vocal lobby).⁶⁸⁸ In 1944 Stalin's deportation policies included the mass deportation of 200,000 Crimean Tatars to Uzbekistan where between 25% (Soviet figures) and 46% (Crimean Tatar estimate) died in the first year in exile. Leading up to the deportation, the Soviet regime Russified the majority of Crimean Tatar place names and expropriated all of their infrastructure, i.e. theaters, schools, mosques, and other buildings, to date, they have not been returned.⁶⁸⁹

After Ukraine's independence, the Crimean Tatars started to return to their homeland. During his presidency, Viktor Yushchenko facilitated their return and today, approximately 300,000 Tatars live in Crimea. However, their return has not been an easy one. Tensions regarding land started to arise as the returnees were demanding to be given the territories which had once belonged to them and not the ones they were offered. Many of these areas are prime real-estate lands as opposed to the inland territories they have been assigned by the government. Thus, the Tatars started occupying these lands on a mass and unlawful scale. Their reintegration has been difficult and a main cause has been identified as the fact that "Local authorities dominated by ethnic Russians are hostile to the returnees."⁶⁹⁰ Russia's attempts to incite inter-ethnic strife in the Crimea by "fomenting clashes between Tatars and Russia-speaking Slavs" have been documented.⁶⁹¹

The Crimean Tatars and patriotic Ukrainians share a number of commonalities, both have been labeled by Russian nationalists as "Nazi

686 Personal communications with Sergei Kulyk and Vladimir Bezkorovainiy. See also: Maigre, 15.

687 Maigre, 15 (quoting Speech of Petro Volvach, Chairman of the Crimean Independent Centre of Political Researchers and Journalists).

688 Kuzio, (2009 a).

689 Ibid.

690 Maigre, 17.

691 Kuzio, (2006).

collaborators” and in contrast to the Russian and communist parties and NGO's in Crimea, who revere Catherine the Great as a great builder of the Russian empire, “Ukrainians and Tatars see her as a destroyer of their autonomy and independence in the last two decades of the eighteenth century”.⁶⁹² Generally speaking, it is possible to view the majority of the Crimean Tatar population as anti-Soviet and on the same side as those Ukrainians who wish to see the revival of Ukrainian culture, language and acknowledgement and rectification of the black deeds of the Kremlin. Making up a large part of the Crimean population (up to 15%), they are “staunchly pro-Ukrainian”.⁶⁹³ Politically, the Crimean Tatars also supported the democratic development of Ukraine, including Euro-Atlantic integration policies and the removal of the Russian Black Sea Fleet from Crimea by the year 2017. Since the 1998 parliamentary elections in Kyiv, the pro-democracy Rukh party and President Yushchenko's Our Ukraine have included Tatar leaders within their party lists.⁶⁹⁴

In Crimea, the pro-Russian paramilitary Cossak group is well known in the peninsula for its anti-Islamic views and defamatory activities. The body guards of Tatar leaders in the unofficial Tatar parliament, the Medjlis, were permitted to carry weapons after Gennadiy Moskal (Head of the Crimean Interior Ministry) and the SBU received intelligence that Islamic fundamentalists planned to assassinate the Medhlis leadership and install radicals in their place. Whereas their leader Dzhemilev accused the GRU as devising the assassination attempts as part of a wider plan to promote instability in the Crimea, Moskal publicly stated that Russia is behind the (al-Takfir) Islamic fundamentalists and believes their funding in Crimea comes from the Taliban via Uzbekistan.⁶⁹⁵

Spurring conflict between Slavs and Tatars is a double edged sword for the Russian Federation, who is currently fighting numerous wars against Islamic Russian citizens living in the Caucuses i.e. Chechnya, Kabardino-Balkaria, North Ossetia, Dagestan etc. Inciting such animosity could ignite more ethnic tensions inside Russia as well as Ukraine. However, it has been proposed that Moscow may want to use increased political volatility in the Crimea as a way to pressure Kyiv to seek its assistance which would enhance its leverage, “In late October [2006], Putin offered to provide assistance to Ukraine if Slav-Tatar tension increased in the Crimea. According to Kuzio, such protection would be reminiscent of similar tactics in

692 Kuzio, (2009 a).

693 Kuzio (2009 e) Strident, Ambiguous and Duplicitous: Ukraine and the 2008 Russia-Georgia War in *Demokratyzatsia*, Fall 2009, p. 361.

694 Kuzio (2009 a).

695 Kuzio, T. (2009 f). Islamic Terrorist Threat in the Crimea, in *Eurasia Daily Monitor*, Volume: 6 Issue: 223, posted 4 December. Available at: <http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=35807>

Georgia's 2 separatist enclaves where Russia first incited inter-ethnic tension and then offered ÇIS (in reality Russian) "peacekeeping troops" who have frozen the conflict in Moscow's favor."⁶⁹⁶ Thus the Crimean Tatar population is an example of a group through which horizontal competition and separatism can be incited using ethnicity and religion.

Passportization

The activity of the People's Front Sevastopol-Crimea-Russia is not limited to the modification of perceptions using identity ideas. Identity ideas are also influenced in a more tangible manner through the dispersal of identification documents, namely; passports. The SCR openly promotes the procedure for Ukrainian citizens to acquire Russian citizenship. This activity affects Ukraine's security in three main ways. First, dual citizenship is prohibited by Ukrainian law. Thus it promotes the violation of Ukrainian law. This disregarding of Ukraine's legal institutions also foreseeable affects the perceptions held of the strength of Ukraine's leadership and policy making capabilities. Second, by aiding Ukrainians in unlawfully receiving Russian citizenship, Ukraine's level of territorial and cultural integration is negatively impacted as well as the perceived relevance these citizens will hold of Ukrainian national strategy. Third, by systematically increasing the number of Russian passport holders in the Crimean peninsula, the potential of armed conflict is increased; particularly as a result of the Russian Federation's policy to use its military to "protect Russian citizens and speakers abroad".

The manner in which Russia implements its policy of protecting "Russian citizens" abroad has already been exemplified by the Russian military in Georgia. In South Ossetia, the Russian Federation distributed passports for over two decades.⁶⁹⁷ The same occurred in Abkhazia, and, at times, this distribution was forced.⁶⁹⁸ Thus, there appears to be a pattern to the technique being used in Crimea. In 2008, Our Ukraine-Self Defense Member of Parliament V. Stretovych warned that the increasing number of Russian citizens in the Crimea would provide Russia, as in Georgia, a pretext to come to the "defense" of its citizens.⁶⁹⁹ It is therefore, important to consider how Ukrainian citizens in Crimea are becoming Russian citizens and

⁶⁹⁶ Kuzio, (2006).

⁶⁹⁷ Kuzio, T. (2008 c) 12.12.2008. SBU Stops Separatism in Its Tracks, Eurasia Daily Monitor Volume: 5 Issue: 237 posted 12 December. Available at: <http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=34266>

⁶⁹⁸ Mindiashvili, N. (2009). Abkhazian Internally Displaced Person, PhD and Lecturer at Tbilisi State University, personal communication, Tbilisi Georgia, 4 September 2009.

⁶⁹⁹ Kuzio T., (2008 b). Russian Passports as Moscow's Geopolitical Tool, Eurasia Daily Monitor, Vol 5, issue 176, quoting (www.nuns.com.ua, august 13, 15).

thereby providing the Russian Federation with additional power on the international realm.

Already in 2006 the fact that the Russian Federation was dispersing passports to Ukrainian citizens in Crimea was well known.⁷⁰⁰ However, it was only after the Russian-Georgian war that the Ukrainian Minister of Foreign Affairs Volodymyr Ohryzko accused Russia of organizing the mass distribution of Russian passports in Crimea. This accusation led to a protest from the Russian Ministry of Foreign Affairs. It assessed the accusation as a provocation, "since after all, dual citizenship is prohibited by Ukrainian law".⁷⁰¹ In Ukraine, the Russian Embassy denied these accusations and called them a PR stunt, "totally separated from reality" and asserted that the Consulate takes the matter of passport dispersal "very seriously" and it is done "under strict legal procedures".⁷⁰²

This response, however, does not exactly correspond with a comment made by the Consular General of the Russian Federation in Crimea, Vladimir Pashedko. It was noted that although Ukrainian law requires the Russian Consulate to inform Ukrainian state institutions about Ukrainians acquiring Russian citizenship, the Consular General actively forgets to provide any given Ukrainian authority with information regarding the number of applicants received by the consulate, Consular Pashedko reacted by stating "It does not fall within the functions of our diplomatic office. We are not going to provide anyone with analytical information; it is not a part of our function. We will not permit ourselves to be controlled by any Ukrainian authority whatsoever."⁷⁰³

However, only one week after Ohryzko's accusation, 34 inhabitants (in Sevastopol alone) with dual citizenship had their Ukrainian citizenship withdrawn.⁷⁰⁴ After its preliminary investigation, the Simferopol prosecutor's office concluded that 1,595 Sevastopol inhabitants, primarily serving on the Russian Black Sea Fleet, were found to be holding dual citizenship.⁷⁰⁵ To exemplify how deeply infiltrated the unlawful, dual citizen situation is in Ukraine, one need only to consider that at least

700 Personal communications Tarasyuk, Kulyk, Mykhailo

701 Mizrokhi, 20.

702 Tymchuk, D. (Тимчук Д.), (2008). Plus passportization of a Foreign Country (Плюс паспортизация чужой страны), in Ukrainian Truth (Українська Правда), posted 09 September. Available at: <<http://www.pravda.com.ua/articles/2008/09/9/3551941/>>

703 Izmailova.

704 Kuzio, T. (2008 b). Russian Passports as Moscow's Geopolitical Tool, in Eurasia Daily Monitor, Jamestown Foundation, Volume: 5, Issue: 176, posted 15 September. Available at: <http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=33938>

705 Takayev B. (Такеев Б.), (2008) 15.09.2008. (The Struggle with a "doublepassported" crimea (Борьба с «двухпаспортным Крымом»). Written for Fleet2017 («ФЛОТ2017»), posted 15 September. Available at: <<http://fлот2017.com/show/analytics/292>>

See also Kuzio, (2008 b).

one FSB officer, Oleksiy Hamyunov, was one of the Crimean inhabitants found to have both a Russian and Ukrainian passport.⁷⁰⁶

In accordance with Article 14 of the Law on Citizenship of the Russian Federation, foreign citizens are able to receive Russian citizenship in a simplified manner if at least one of the following conditions is met:

- a) The person has at least one parent with Russian citizenship living on Russian territory.
- b) The person had Soviet citizenship, lived and continues to live on the territory of a former Soviet state, which did not acquire citizenship of that said state and as a result remains a person without citizenship
- c) The person is a citizen of a former Soviet state which received middle professional or higher professional education in an educative facility of the Russian Federation after July 2002.⁷⁰⁷

The aforementioned provisions are some of the ways the people in South Ossetia, Abkhazia and other FSU states - which were never part of the Russian Federation – are able to “legally” acquire Russian citizenship. The fact that dual citizenship is forbidden by both Ukrainian and Georgian law appears notwithstanding. Notably, unlike Crimea, “the Russian Federation did not have diplomatic relations in South Ossetia; there were no diplomatic representations or consular offices there. Thus it follows that the way South Ossetians gained these passports was illegal”.⁷⁰⁸ This is again indicative of a transnational post-Soviet political criminal network violating the laws of a third state in a systematic and transnational manner.

However, the fact that there is a Russian Consulate in Simferopol does not in any way legalize the dispersal of Russian passports to Ukrainian citizens. The activity violates the laws of Ukraine.⁷⁰⁹ Dual citizenship is prohibited by Article 4 of the Ukrainian Constitution and the prohibition is regulated by the 2001 Law of Ukraine “on Ukrainian Citizenship”. Yet, the rule of law and Ukraine’s institutions are weak. In reaction to these violations, President Viktor Yushchenko called attention to the illegitimate activity and pronounced the issuance of Russian passports in Crimea an infringement of international law which demonstrates disrespect to sovereign states

⁷⁰⁶ Ivanov.

⁷⁰⁷ Izmailova.

⁷⁰⁸ Ibid.

⁷⁰⁹ Takayev.

whose territories do not permit dual citizenship.⁷¹⁰ This open form of “disrespect” foreseeably impacts the manner in which Crimean citizens view themselves in relation to the state to which they belong as well as the strength of its leadership.

To date, the true number of Ukrainian citizens who have been given Russian passports in Crimea, in direct violation of these laws, is unknown. Estimates vary from 6000 to 170,000.⁷¹¹ Whereas Stepan Havrysh, the Deputy Secretary of the National Security and Defense Council claimed there to be around 100,000 Russian citizens in Crimea with a dual citizenship, the pro-Russian umbrella NGO, the RCC, claimed a much higher figure of 170,000.⁷¹²

The dispersal of Russian passports to Ukrainian citizens in Crimea combined with the fact that the Russian Black Sea Fleet provides Russia with a strong military presence on Ukrainian territory amplified Ukraine’s concern about Russia’s policy of defending its citizens living abroad.⁷¹³ Thus, political forces in the Orange Coalition raised the issue to the level of a national security threat. “Deputy NUNS faction leader B. Tarasyuk described the distribution of passports as Russia’s “secret aggression against Ukrainian citizens.” Yulia Tymoshenko Bloc deputies have drawn up a draft law making the obtaining of dual citizenship a criminal offence”.⁷¹⁴ The Proposed Law of Ukraine “On bringing in Changes to certain acts (governing the declaration of citizenship of a third state No 3102-1 dated 18-11 2008) was to: regulate that a citizen having accepted the citizenship of another state shall be viewed only as a citizen of Ukraine: to make it a criminal act payable by fine, and to criminalize the concealment of a second nationality.”⁷¹⁵

As a result of the dispersal of Russian passports in Crimea being named a threat to national security, the SBU moved to stop the practice. Yet, such a move from the Ukrainian side raised tensions between the two states leading Kyiv to believe it “could provide a pretext for Russia to intervene in defense of Russian citizens...”⁷¹⁶ This revealed one of the catch-22 situations created by triangle of Russia’s policy to use its troops to protect its citizens and speakers abroad, separatism in the Black Sea Region and the Russian Black Sea Fleet in Sevastopol.

710 Ukrainian Truth (Pravda).

711 Mizrokhi, 20. See also Kuzio, T. 2009 (d). SBU Stirs Domestic and International Tension, in Jane’s Intelligence Weekly, posted 23 July. Available at: <http://www.taraskuzio.net/media22_files/11.pdf>

712 Shapovalova.

713 Izmailova.

714 Kuzio, (2008 b).

715 AFP Global Edition (2008). Cheney Urges Divided Ukraine to Unite against Russia ‘Threat’. Posted 5 September, available at: <<http://inform.com/politics/cheney-urges-divided-ukraine-unite-russia-threat-442494a>>

(Citing an Interview with Minister of Foreign Affairs Ogryzko in Frankfurter Allgemeine Zeitung).

716 Kuzio, T. (2009 a). Crimean Tatars Divide Ukraine and Russia, in Eurasia Daily Monitor, Jamestown Foundation, Volume: 6, Issue: 121, posted 24 June. Available at: <http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=35167>

The situation was further exacerbated for the Orange Coalition by the fact that one of the justifications for the dispersal of Russian passports which has been voiced is the position that the Russian Federation maintains that Crimea was transferred to Ukraine unlawfully and thus is already a constitutive part of Russia.⁷¹⁷ Once again, an example is given of how Ukraine's soft power security, this time policy making capability, has been impacted by the Russian policy of passport dispersal in the Autonomous Crimean Peninsula in Ukraine.

3.2.4 Conclusion

In this chapter the manner in which the Russian Federation built trust between Russia and the Crimean population was examined. The main actors involved in giving effect to Russia's soft power policy in Crimea include the FSB and GRU as well as a special psychological warfare unit. Markedly, their presence on the peninsula is directly connected to the stationing of the Russian Black Sea Fleet in Sevastopol and Feodosia. They, together with the Moscow State University Black Sea Branch and pro-Russian NGOs have consistently built trust between the Russian federation and the local population. Their activities include the printing of anti-state and anti-Euro Atlantic newspapers, the organization of mass protests, one of which effectively thwarted a NATO exercise. Their activities propagate unification with the Russian Federation and are inherently anti-Ukrainian. The manner in which these operations are funded is not yet, is linked to allegedly laundered money and illegitimate construction deals. The Crimean Tatar population generally supports Ukraine and Euro-Atlanticism. They perceive the Russian Federation as supporting and provoking conflict within their community. Poignantly, the religious strife is linked to the Cossak paramilitary grouping which is supported by the Russian Orthodox church. Russia's foreign policy towards Ukraine includes passportization. Dual citizenship is prohibited by Ukrainian law. This notwithstanding, the Russian consulate and pro-Russian NGOs propagate the acquisition of Russian citizenship in Crimea, despite pleas from the Ukrainian government. Linkages have thus been found between the Russian Federation's foreign policy toward Ukraine's Autonomous Republic of Crimea, soft power operations that affect its national security and the post-Soviet political-criminal nexus.

⁷¹⁷Izmailova.

3.3 Conclusion Part Three

In this part, a brief overview was given of the post-Soviet political-criminal nexus in Ukraine. The character of this political-criminal nexus is specific; it was formally rooted in a Kremlin oriented Russian Empire and successor, the Soviet Union. In Ukraine, the post-Soviet political-criminal nexus is a social network of corrupt politicians and businessmen, former nomenklatura, and security agents which advance Russia's foreign policy in Ukraine. This network has been alluded to as a fifth column. The network consists of 9 basic categories i.e. bureaucratic, commercial, ethnic-political, Slavic, former nomenklatura, religious-political, military and renegade powers. Inside Ukraine, the political functionaries of this network fall into 3 main groups, namely, those whose political careers depend on and are directed by Moscow; those who occasionally side with Moscow in exchange for some sort of material benefit from Moscow; and, those who continue to view Russia as the rightful leader and support Ukraine's sovereignty simply because of their own financial or material interests.

A brief presentation was made of Ukraine's history, particularly as it pertains to post-Soviet separatism. Crimea and Sevastopol have been identified as the major territories where separatism has been promoted and supported by Russia's foreign policy and political-criminal nexus of Russian and Ukrainian citizenship.

The Black Sea Fleet has been an important naval power since its establishment in 1783. For centuries, men from all nationalities of the Russian Empire served on it. Then, in 1991, the collapse of the Soviet Union and the declaration of Ukraine's independence and questions related to ownership and division of the fleet triggered serious hostility between the Russian Federation and Ukraine. This is when pro-Russian separatist activities of the political-criminal nexus began to surface. In 1992, Russian promoted separatism in Crimea was formally linked to the division of the Black Sea Fleet by the Head of Russia's Parliamentary Committee for foreign Affairs, Vladimir Lukin. Already in the April 1992, Ukraine's President at the time, Leonid Kravchuk formally noted that Russia was provoking social-political conflict in Crimea.

That year, a bomb attack was made by Russian intelligence services on a Ukrainian base. Sailors, who pledged their allegiance to Ukraine, rather than the Russian Federation, were consistently denigrated and abused. The post-Soviet political-criminal nexus figured as a corruptive force in this regard by bribing Ukrainian service men to either abandon, or spy on, Ukraine.

Crimea and the Black Sea Fleet served as an instrument of political black mail. One example of this is the offer made by the Fleet's Admiral Kasatonov. The Admiral offered to hand over the fleet to Ukraine's authorities in exchange for the position of Minister of Defense. His request was denied by Kyiv and Kasatonov became an agent of Russian interests on Ukrainian territory.

In 1993, a secret protocol coupled the Black Sea Fleet and Crimea to energy security, particularly, gas trade. It has been asserted that the gas debt linked to Black Sea Fleet negotiations was a fictitiously produced by the post-Soviet political-criminal nexus. And that in reality, Ukraine did not have energy debt towards the Russian Federation. Eventually, in 1997 the Black Sea Fleet Accords were signed on Ukraine's behalf by a major actor of Ukraine's post-Soviet political-criminal nexus, its Prime Minister, Pavlo Lazarenko. The former prime minister is a convicted criminal who used the gas trade to embezzle between 200 and 800 million USD. He is also wanted for the murder of at least 3 persons including a member of Ukrainian parliament and the president of Ukraine's national bank.

Another part of the political-criminal nexus linked to the fleet is inside the Kremlin. It has been linked to corruption through falsification of documents, particularly, a 1948 document. The document has been allegedly modified to promote separatism in Crimea by claiming the city of Sevastopol was never a formal part of Crimea and therefore was not part of the 1954 Crimean transfer to Ukraine.

A prime example of Russia's overt claims to the peninsula, and Sevastopol in particular, is the pressure put on former Sevastopol Mayor Viktor Semenov, including an attempted assassination. Semenov committed the crime of treason by signing an illegal decree in which his council declared the city of Sevastopol an integral part of the Russian state. This act, combined with two assassination attempts, one on his life, and one on the life of his public nemesis, Crimean businessman, politician and criminal, Kondratevsky, place Semenov within the realm of the political-criminal nexus. Semenov later served as counselor general in St. Petersburg and was later appointed to head the Black Sea Fleet negotiation committees. The work of the committees remained relatively benign as is exemplified by the unresolved, serious issues pertaining to inventory, occupied territory, environmental damage and activities of Russia's secret services in Crimea.

To date, Crimea remains host to all of Russia's intelligence agencies. Importantly, it is alleged that the documents which permit the functioning of the foreign intelligence services in Ukraine, were unlawfully signed by President Kuchma in 2000. All departments of Russia's intelligence services have been directly linked to criminal activities or other, systematic, violations of Ukrainian laws.

The political-criminal nexus figures most prominently here in the form of pro-Russian NGOs, particularly the Russian Crimean Community and the People's Front Sevastopol-Crimea-Russia. During the time of the Orange Coalition, both umbrella organizations had been linked by Ukraine's intelligence services to the FSB and GRU, particularly to the 642nd psychological warfare grouping and organized crime. These major organizations have been accused of being funded by laundered money particularly the RCC. Throughout the 1990's the RCC – which is directly linked to the Kremlin and the Ukrainian pro-Russian President's Party of Regions was labeled a front for organized criminals. One of the main patrons of this group is a man who has been a prominent supporter of Crimean separatism i.e. former mayor of Moscow, Yuri Luzhkov.

In Ukraine, Yuri Luzhkov has been declared *persona non grata* numerous times for promoting separatism and anti-Ukrainian sentiment. The man has also been linked to transnational organized crime related to dirty construction schemes (some of which directly related to the Russian Black Sea Fleet), money laundering and corruption including insider trading on the peninsula.

The FSB has also been connected to attempt to destabilize the Crimean Tatar leaders, who have been staunch supporters of Ukraine and Euro-Atlanticism. The FSB and GRU are also linked to the Russian Orthodox Church which in turn is staunchly anti-NATO and promotes the notion that Russia is the Third Rome and the unification of the 3 original Kyivan Rus lands, namely, Ukraine, Belarus, and Russia.

The post-Soviet political-criminal nexus figured as a constant anti-Ukrainian actor which promotes the cause of pro-Russian separatism. The separatism has been provoked by both advertent and inadvertent acts by Ukrainian and Russian political criminal actors that target Ukraine's soft power security. One major way Ukraine's soft power has been targeted is through the dispersal of Russian passports throughout the peninsula in direct violation of Ukrainian laws. The People's Front "Sevastopol-Crimea-Russia" is an organization that has not only been linked to the FSB and laundered money, it also publically promoted the acquisition of Russian passports by Ukrainian citizens in Crimea. Selected activities of the People's Front "Sevastopol-Crimea-Russia" were presented within the framework of soft power security (Appendix C) to show how the organization has been instrumental in building trust between the people of the Crimean peninsula by targeting elements of Ukraine's soft power security namely, ideas pertaining to the 1) Level of national integration a) ethnic b) linguistic c) religious d) territorial e) collective Memory; 2) Strength of national leadership a) government policy capability b) state institutions c) level of social discipline, and; 3) Perceived relevance of national strategy a) common interest

b) ideology. The following chart provides an overview of the manner in which Ukraine's soft power security has been targeted and how they related to the post-Soviet political-criminal nexus.

Figure 13 Soft Power PCN Analyses

Soft Power Act Influencing	Soft Power Security Component	Main Actor	Alleged link to Russian Intelligence Agency	Actor Allegedly Link to organized crime	Alleged Violation of Laws of Ukraine
MSU courses	1a, 2, 3		GRU	No	Yes
MSU armed guards	1b, 2b	RBSF	GRU/FSB/SVR	No	Yes
Anti-West/UA/NATO media	1, 2, 3,	RCC/SCR/ Russian Orthodox Church/RBSF	GRU/FSB/SVR	Yes	Yes
Anti-West/NATO/UA protests	1, 2, 3	GRU/RCC/SCR/ Russian Orthodox Church/RBSF	GRU/FSB	Some	Yes
Promotion of 3 rd Rome	1a, 1b, c, 2b	Moscow's Patriarchate	FSB/Zatulin	No	
Hanging of Russian Flags	1, 2, 3	RCC/SCR	FSB/GRU	Yes	Yes
Nazi comparisons	1c, 2b	SCR	GRU	Yes	Yes
Russian placards on Ukrainian buildings	1b, 2a, 3	SCR	GRU	Yes	Yes
Burning of Ukrainian books	1a, 1c, 2, 3	SCR	GRU	Yes	Yes
Protests against language	1, 2b, 3	SCR	GRU	Yes	Yes
Passportization	1, 2, 3,	SCR/RF General Consulate	GRU/SVR	Yes	Yes
Tatar conflicts	1a, 1b, 2	FSB/Cossacks	GRU/FSB	No	Yes
Sailor immigrations	1, 3	RF Sailors	FSB	No	Yes

Soft Power Act Influencing	Soft Power Security Component	Main Actor	Alleged link to Russian Intelligence Agency	Actor Allegedly Link to organized crime	Alleged Violation of Laws of Ukraine
Signing of 1997 BSF Treaty	1b, 2b, 31b,	Lazarenko	No	Yes	Yes
Signing over of Sevastopol to RF	1c, 2, 3	Semenov	No		Yes
Lighthouse control	1b, 2a,	RBSF	GRU/FSB	Yes	Yes
Illegal sub-rentals and sale of property	1a, 1,b,	RBSF	FSB	Yes	Yes
RF Separatist political declarations	1b, 2, 3	Luzhkov, Zatulín, Zhirinovskiy,	No	Yes/No	Yes
Armed patrols in Sevastopol	1b, 1c, 2a	RBSF	GRU/FSB	No	Yes
Declarations of independence	1, 2, 3,	RCC/SCR	GRU/FSB	Yes	Yes
Petitions for separations	1, 2, 3,	RCC/SCR	GRU/FSB	Yes	Yes
Recruitment of UA military	1a, 2, 3	FSB/GRU	FSB/GRU	Yes	Yes
Recruitment of UA citizens	1, 2, 3	FSB	FSB	No	Yes
Falsification of 1948 Sevastopol Document	1b, 1c, 2, 3	Kruglov	No	Yes	Yes
Trafficking	2, 3	FSB	FSB	Yes	Yes
Signing of 2000 protocol permitting FSB onto UA	1	Kuchma	No	Yes	Yes
Russian Prosecutor	1b, 2a, 3	RF/RBSF	FSB/GRU	Yes	Yes

Soft Power Act Influencing	Soft Power Security Component	Main Actor	Alleged link to Russian Intelligence Agency	Actor Allegedly Link to organized crime	Alleged Violation of Laws of Ukraine
Tax evasion	1b, 2	RBSF	FSB/GRU/SVR	Yes	Yes
Pension fund debt	2, 3	RBSF	FSB/GRU/SVR	No	Yes
Non-abidance of UA court orders	1b, 2, 3	RF	No	No	Yes
Alleged Double maps	1b, 2a, 3	RF & UA Delegation	Yes		Yes
Alleged creation of gas debt	2, 3	RF & UA Delegation	Yes	Yes	Yes
Inventory refusal	1b, 2, 3	RF	Yes	Unknown	Yes
Construction projects	1, 2a, 3	RBSF/Luzhkov	Yes	Yes	Yes
Environmental damage	2a, 3	RBSF	Yes	No	Yes
Training private security officers	1, 2	FSB	FSB	Yes	Yes
Surveillance of UA communications	2a, 3	FSB	FSB	No	Yes
Salon/bar keeping	1, 3	FSB	FSB	Unknown	No

1 = Level of National Integration 1a) cultural (i.e. ethnic, linguistic or religious), 1b) Territorial 1c) Collective memory

2 = Strength of national leadership 2a) Government policy capability 2b) Level of social discipline

3 = Perceived Relevance of national strategy to common interests (common interests and ideology)

Thus, it is possible to conclude that the political-criminal nexus has posed a major threat to Ukraine's soft power security in Crimea. For almost 20 years, operations have consistently and systematically, advertently and inadvertently targeted the Crimean population's perceptions to view Western democracy and Euro-Atlanticism, Ukraine, its culture and language as undesirable. Simultaneously, pro-Russian separatism has been promoted.

The fact that a separate conflict has not broken out in Crimea may have more to do with global East-West politics and the reinstatement of a pro-Russian president and government whose own party belongs to the largest political party in the Russian federation, "United Russia". Clear links, based on information from members of Ukraine's former Orange Coalition, have been established between the anti-

democratic, anti-Ukrainian, anti-Euro-Atlantic activities that promote separatism by targeting Ukraine's soft power. Most of these activities are linked to the Russian Black Sea Fleet and Russian intelligence services particularly the 642nd Department of Psychological Warfare. However, the nature of the post-Soviet political-criminal nexus is that it includes Ukrainian actors as well.

If the allegations made by Ukraine's security services, representatives of its government, administration, and civil society in the period the Orange Coalition are accurate, it is possible to conclude that the Russian Black Sea Fleet has served as an anchor for soft power security operations that were aimed at the promotion of trust between the Crimean population and the Russian Federation to the extent of promoting separatism there. However, Ukrainian citizens, have played a pivotal role in harming the soft power and the perception of external and internal legitimacy of their very own state. Albeit the President who signed illegal documents permitting Russia's secret services on its territory, the Prime Minister who embezzled hundreds of millions in gas money and signed the Black Sea Fleet Accords, or the Ukrainian functionaries in charge of granting licenses to anti-state, separatism provoking news papers or even members of pro-Russian NGOs.

Thus, the Russian Federation has been served by the political-criminal nexus in Crimea. However, it appears that the main actors to blame are the Ukrainian members of the political-criminal nexus who rather serve their own pockets than their country and its citizens. Unfortunately, because of the nature of the post-Soviet political-criminal nexus, its actors appear to be as untouchable as the intangible power and security they destroy.

CONCLUSION

History books are filled with men who stole, pillaged, raped and murdered to gain power. Yet, the manner in which they did so - in the name of a religion or sovereign power - converted them into heroes. Their immoral and unethical acts suggest that state behavior was not restricted by morality or ethics in international affairs.

In the second millennium A.D. very little appears to have changed. At any given moment, hundreds of conflicts and wars are either taking place or on the verge of erupting. What has changed however, are the technologies, communication systems, and information resources available to the warmongers. Particularly, the perspective has been advanced that wars can be fought inside the hearts and minds of the masses. Yet, the manners in which entire populations are seduced into supporting or even starting conflict remain vague. This is because the relationship between hearts and minds and national security has remained opaque, and, the linkages between the soft power of attraction and national security relatively unknown.

It was hypothesized here that in order for soft power to promote or orchestrate conflict, the hearts and minds of a given population needed to be attracted towards believing that going to war is necessary and therefore justified. It is obvious that states organize war to gain power. Yet, why should anybody's mind be manipulated in such a way as to cause support for war where previously there was none? It is clear that such policies keep up the warring status quo for power's sake and that power is dark. For this reason, it was also hypothesized here that states rely on covert and informal networks to finance and give effect to such policies. To test these hypotheses a region needed to be identified in which a powerful state appeared to be orchestrating separatist conflict with soft power.

The geopolitical dynamics and clashing great power interests in the Black Sea Region made it a fine candidate for such an analysis. The fall of the Soviet Union triggered a competition for power between the Russian Federation and the Western Allies. Moscow, fearful of losing power, had to prevent the post-Soviet states in the Black Sea Region from having the national strategy, will and authority to transform, cooperate and integrate with Western institutions. To do this, it appeared to instrumentalise separatist conflict as a geopolitical tool.

Since the orchestration of conflict and separatism violates national and international laws, separatists and insurgent groups depend on informal networks. Thus, Russia's reputation of being a state whose system relies on provocations and coordination between organized crime and the security services suggested that

organized political-criminal elements may also serve its foreign policy regarding separatism in post-Soviet states. The policy also appeared to rely on a symbiosis of formal and informal institutions, big business, NGOs and media. The use of these later institutions suggested a Hobbesian use of soft power. For these reasons, the Russian Federations' foreign policy towards separatism became doubly interesting.

By the end of the first decade of the 21st Century, the scourge of armed conflict had broken out in all the post-Soviet states in the Black Sea Region; all but one. Inside Ukraine's Autonomous Republic of Crimea, the threat of separatism appeared to be directly linked to Ukraine's Euro-Atlantic integration, the Western Allies' global war on terrorism (particularly in Afghanistan) and Ukraine's democratic transition. Markedly, the Russian Black Sea Fleet seemed to be linked to soft power operations aimed at attracting the loyalty of the Crimean population away from Kyiv and toward Moscow. However, although it appeared to be so, it was not clear whether soft power was related to national security in such a way as to cause separatism. And, if it were, it was not clear whether such a Hobbesian use of soft power would rely on a political-criminal nexus for funding and logistical support. Thus, the following question arose:

What are the linkages between national security, soft power and the political-criminal nexus, and, to what extent are they a part of the Russian Federation's foreign policy towards Ukraine, particularly, in the Autonomous Republic of Crimea?

If the case it would be possible to conclude that the promotion of separatism in Crimea was linked to soft power operations and a transnational political-criminal nexus, the immediate greater implication of such a conclusion would be that the Russian Federation has also employed this policy inside the other post-Soviet states in the Black Sea Region. More importantly, such a conclusion could theoretically be extrapolated to the global level of international relations and thereby shed light on how states illegitimately cause or stoke separatist conflicts and war using the soft power of attraction. To these ends, and to answer the main research question, the following three sub-questions were developed and answered:

1) What is the relationship between soft power, national security and separatism?

The objective of Part One was to determine how soft power interlinks with national security and to identify the components of a state's soft power security that would need to be targeted to promote separatism. Ray Cline's formula of perceived power was first used to identify the intangible components of state power and their value as it pertains to state power. It was shown that the most important elements of state power are intangible. These components are *Strategic Purpose* and *National Will*. Since power politics and national security are intimately intertwined, a comparative analysis of Cline's intangible power components and the political and societal security sectors as presented by Buzan *et al.* was made. The results show the relationship between intangible power and the soft, political and societal, security sectors is correlative.

This correlative forms the realm of what has been identified here as *soft power security*. Soft power security is affected by institution-dependent and independent ideas. These ideas pertain to three main categories of soft power: a) the level of national integration; b) the strength of national leadership and; c) the perceived relevance of national strategy. Within these categories one finds the key elements of soft power security, namely, cultural integration (language, religion, ethnicity, and common memory), territorial integration and common memory, government policy capability, level of social discipline, common interest and ideology. The use of ideas to target these elements of soft power security changes the identificational perceptions amongst people. Consequently, these are the elements of national security which Hobbesian powers must target to successfully spur separatism using the soft power of attraction.

Thus, soft power warfare is psychological. It aims at modifying ideas and perceptions people hold of themselves, each other and even the state to which they belong. When strategically organized, it leads to horizontal and/or vertical competition and, eventually, conflict and separatist war. As a result, although soft power, the power of attraction, sounds relatively benign, when harnessed by Lockean or Hobbesian state policies it is not.

2) Are political-criminal relations used by states as an instrument of foreign policy and does their use as such affect the way states perceive each other in international relations; if so, what is the profile of the post-Soviet political-criminal nexus?

Thus, the objectives of Part Two was to establish the nature of the political-criminal nexus, to determine if it is used as a foreign policy instrument, and whether it affects the way states perceive one another in international relations. Also, transnational-organized crime and political-criminal activities were taken out of the traditionally accepted national and apolitical realms and extrapolated to the realm of international political relations.

It is possible to conclude that transnational organized crime is both an international security threat and instrument of foreign policy. The 2001 United Nations Palermo Treaty against Transnational Organized Crime was used to ascertain what transnational organized crime is and whether the international legal community has linked it to state behavior. The core crimes codified by the treaty are 1) Participation in a criminal group. 2) Laundering the proceeds of crime 3) Corruption and; 4) The Obstruction of Justice. Tellingly, three of the aforementioned four transnational crimes point to the existence of transnational political-criminal relations. The states party to the treaty recognized that states use transnational organized crime to affect the national security of others. They strongly discouraged state actors from effectuating such foreign policies. And, importantly, a legal, albeit non-binding provision linking state behavior to transnational organized crime was codified. This article specifically pertains to corruption of or by state representatives or other state officials in their international dealings.

In the second chapter of this part, the finding of historical thinkers including Weber, Horkheimer, Tilly and Chambliss made it possible to conclude that states are historically rooted in organized violence and protection rackets. Throughout history, when it was in the interest of the elite, states have employed informal means to gain power. It was through organized crime and violence that protection rackets transformed into states. Thus, it is possible to conclude that organized crime not only belongs to the state arsenal, it is one of the state's organizational forefathers.

The stage-evolutionary model of organized crime supports this conclusion. It shows that the dynamic nature of political-criminal relations affects the realms of power, including territorial power. This model which has, to date, only been applied to the internal state-level of analysis was extrapolated here to the international realm. And, it is concluded that on the international level, political-criminal relations also have the power to affect territorial control.

When combined with Roy Godson's valuable research, the Criminological Social Network Theory shows that political-criminal relations constitute a social structure within the state. The Criminological Social Network Theory shows the

political-criminal relations constitute a social structure within the state. As a result, viewing the formal and informal worlds as completely separate and independent entities is fallacious. At the highest level, often cloaked in immunity, the representatives of the two worlds meet in a political-criminal nexus. Within this symbiotic relationship, elites and criminals cooperate. The elite do this to maintain or gain power. The criminals cooperate with politicians to acquire legitimacy and exert influence, or control, over the formal world. Thus, to understand this nexus better, it is necessary to view the formal and informal worlds as an interdependent dyad.

Since the political-criminal nexus is a social structure, it is possible to profile the political-criminal nexus of any given state. Like states, transnational organized criminal groups are generally ethnically-rooted. To profile the political-criminal nexus of any given state, the historical relationship between its upper and underworld must be assessed. The structural and cultural causes as well as motives for actor cooperation within the political-criminal nexus of any given state must also be considered.

Based on the findings of the aforementioned chapters, it is also possible to conclude that there *is* a post-Soviet political-criminal nexus. It has a number of specific, unique features. Foremost is that the collapse of the Soviet Union caused a once-contained political-criminal nexus to become an international one. The nexus is rooted in Russia's imperial past. It is a social network that spans the entire post-Soviet space and links back to the Kremlin. Importantly, although the post-Soviet political-criminal nexus is strong and Kremlin oriented, not all of its activities or actors are directed or controlled by the Kremlin. To make such an assertion would be to overlook the anarchic nature of the political-criminal nexus which is centered on the acquisition and maintenance of power. Also not all of its actors are Russian citizens. Rather, many are citizens of the nations they work against. They include politicians and businessmen related to the former higher communist party, former *nomenklatura*, security agencies and buccaneer capitalists. The ideological character of this nexus is inherently anti-democratic and it is linked to pro-Russian separatism in the Black Sea Region. Being aware of the profile of the post-Soviet political criminal nexus thereby facilitates the understanding of post-Soviet regional dynamics.

These conclusions are of paramount importance to the studies of international relations and security. The advantages of including the profiles of the political-criminal nexuses into the aforementioned disciplines lays in the fact that knowing the character of a state's political-criminal nexus facilitates the understanding of the manner in which, and reasons for the manner in which, states are perceived and behave.

3) What is Russia's soft power policy toward the Autonomous Republic of Crimea via the Russian Black Sea Fleet; and what is the extent to which Russia utilizes a political-criminal nexus in this particular case?

Part Three contained the case study. This part was divided into two chapters and relied upon open source materials, Ukrainian archives, information collected in the field including interviews with top ranking politicians and military functionaries.

The first chapter set the perspective on Ukraine's geopolitical position and how the post-Soviet political criminal nexus, developed in Part Two, figures inside Ukraine. Particular attention was given to the Russian Black Sea Fleet (RBSF) and pro-Russian separatism in Sevastopol where the fleet is mainly based. It is possible to conclude that of all the post-Soviet states in the Black Sea Region, Ukraine is the most important to Russia. Its geopolitical "borderland" position, access to the Black Sea, vast mineral wealth, including energy resources, transport systems and fertile *chornozem*, make it a materially interesting land to control. Moreover, Moscow's interest in Ukraine goes beyond its tangible wealth. Its relationship with Ukraine is intimate because its roots trace back to Kyivan Rus, and, Russia (originally Muscovy) together with its Russian Orthodoxy were born there.

When Ukraine gained its sovereignty in an institutional vacuum in 1991, its Kremlin-centered political echelons were filled by members of the Soviet nomenklatura, higher communist party members and organized criminals privatizing or raiding state property. Formally, Ukraine continued to be ruled by these authoritarian regimes until the winter of 2004-2005. That winter, mass electoral falsification triggered the Orange Revolution. As a result, Ukraine saw its first patriotic, pro-Western, democratic president and government come to power. This development was not tolerated very well by pro-Russian forces inside Ukraine nor the Russian Federation. As a result, Russia, together with the post-Soviet political-criminal nexus, turned to use energy supplies and separatism to deter Ukraine's democratic transformations.

The Russian Black Sea Fleet has played an important role in this regard. It has served as the hard power component in Russia's smart power foreign policy of promoting pro-Russian separatism in Crimea. The threat of democracy in Ukraine, as well as in Russia, linked the Black Sea Fleet to controversial gas deals, gas debts and the post-Soviet political-criminal nexus. The Black Sea Fleet is a keystone

facilitating members of this nexus to accrue power through systematic violations of laws including the state's constitution, administrative laws and the criminal codex.

In the second chapter, a presentation and analysis were made of Russian, and pro-Russian, institutions linked to soft power operations aimed at trust-building between the Russian Federation and Ukraine's population in Crimea. At the end of this part, the framework for soft power security analysis, developed in Part One, was used to determine the extent to which soft power, the post-Soviet political-criminal nexus and the promotion of separatism in the Autonomous Republic of Crimea in Ukraine constituted part of Russia's informal foreign policy.

It is possible to conclude that Russia's soft power policy aimed at the promotion of vertical and horizontal competition and separatism in Ukraine's Autonomous Republic of Crimea. The soft power security framework of analysis was enhanced by factoring in the post-Soviet political-criminal nexus. The soft power activities were then analyzed for linkages to the post-Soviet political-criminal nexus. Importantly, certain activities are directly linked to the Kremlin and soft power aggression. For instance, each element of Ukraine's soft power security has been directly targeted by Russian secret services particularly the FSB and GRU's 642nd Department for Psychological Warfare. Officers of Russia's secret services have also indirectly reduced Ukraine's soft power by unlawfully gaining Ukrainian citizenship, training private security agents in Crimea, and providing its population access to cheap, unlawfully-imported products, particularly oil and gas.

Russian intelligence services are infiltrated into pro-Russian NGOs in Ukraine. These NGOs promote Russian power in Ukraine. Their activities include the burning of Ukrainian books, vandalism of state property and the promotion of unlawful passportization in Crimea. The activities directly influence institutionally-dependent and independent identity ideas related to all the components of Ukraine's soft power security. The sources funding these operations are not transparent. Markedly, they have been linked to Russian figureheads including Konstantin Zatulin and Moscow's former mayor Yuri Luzhkov, money laundering and corrupt construction deals linked to the Russian Black Sea Fleet.

Importantly, members of Ukraine's post-Soviet elite, including former Presidents and Prime Ministers, Mayors, diplomats, security officers, lower administrative actors and entrepreneurs are also part of the post-Soviet political-criminal nexus. Their actions include extortion, fraud, corruption, unlawful privatization embezzlement of millions (if not billions) of dollars from the state coffers, treason and alleged murder. Their political-criminal activities provide pro-Russian

forces power. Their fraudulent, self-serving acts also promote transnational corruption at the expense of the rule of law, democracy and the territorial integrity of their own state.

This all withstanding, it is possible to answer the main research question of this study as follows:

Soft power is linked to national security in such a way that Hobbesian actors use it to strategically provoke separatism in third states. The political-criminal nexus is linked to the promotion of separatism in this regard insofar as the promotion of conflict and insurgency is prohibited by national and international laws, and, by their very nature insurgents rely on covert and informal structures for logistical and financial support. It is possible to conclude that the post-Soviet political-criminal nexus is linked to soft power operations that promote separatism in Ukraine's Autonomous Republic of Crimea. The post-Soviet political-criminal nexus, particularly through the presence of the Russian Black Sea Fleet, has played a key role in Russia's soft power policy aimed at deterring Ukraine's Euro-Atlantic integration. For almost 20 years, operations have consistently and systematically, advertently and inadvertently targeted the Crimean population's perceptions to induce a negative view of Western democracy, Euro-Atlanticism and, most importantly, Ukraine.

Extrapolating

The research at hand was not only founded on the disciplines of International Relations, Security Studies, Criminology and International Law; its objective was also to enhance them. It was expected to find that states can provoke separatism using soft power, and, that a soft power security framework could be developed with which to analyze state behavior in this regard. It was also expected that states do use transnational organized crime and that its use as such occurs through the political-criminal nexus. It was also anticipated that the political-criminal nexus would be linked to state-building and identity, and, that by adding the political-criminal nexus to the state arsenal light would be shed onto how it affects state perceptions and behaviors.

If states were moral and ethical actors, all of their actions would be directed at influencing human behavior towards trust, the common good, and the realization of peace. But, great states, like most "great men", are almost always bad states

because power corrupts and absolute power corrupts absolutely. Powerful states do not restrict themselves to legitimate means or ends while competing for power. They steal. They lie. They informally seduce mankind into distrust, fear and “justified” war by targeting perceptions and identity ideas people hold of themselves, one another and the world around them.

Thus, the generally accepted perception of war as something limited to hard military operations and the outright use of violence by actors pursuing power is wrong. The instruments of war are not limited to technologies that destroy buildings, material assets and human lives. A softer form of warfare exists. It instrumentalises the media, non-governmental organizations, educational institutions, intelligence services, and political-criminal relations to strategically target man’s most precious possessions: his heart and his mind.

The Hobbesian and Lockean use of soft power requires particular attention, study and analysis. In a virtually unnoticeable, covert manner, strategic soft power security operations provoke conflict as well as territorial and sovereign demise. They strategically spur animosity and fear. They jeopardize the freedom of thought and the security of future generations. These covert state and non-state actors greatly impact international relations. Yet, very little remains known about their existence, resources, activities and influence on the upper world. Thus, legitimate state and non-state actors must be keenly aware of the power of attraction, where it originates, why it is effective, and the purpose for which it is used.

Accepting the conclusions drawn here, the political-criminal nexus should also be recognized as an unaddressed foreign policy instrument through which legitimacy, transparency, justifiability and accountability of the state disappear. The international character of the post-Soviet political-criminal nexus may be unique, but the phenomenon of international political-criminal relations is not. It is possible to enhance the studies of International Relations, Security Studies and Law by profiling the political-criminal nexus of any given state and examining how it links to foreign affairs. Including it into the study of geopolitics shall also provide civil society knowledge with which to counter illegitimate state policies.

One way to start is by examining how and why infamous, anti-Communist leaders from all over the world, who embezzled hundreds of billions of dollars from their populations, have either never stood trial, received abhorrently light sentences or were granted political asylum in democratic states. From an institutional perspective, a deep analysis of the activities and international relations of the US Drug Enforcement Agency is likely to provide good insight into the linkages between the international drug trade, state-building and war. And, on an individual level, Viktor

Bout serves as a prime example of how a single man allegedly serviced multiple states and regimes by trafficking virtually everything from airplanes, arms and chickens to delivering international aid for the United States, the Russian Federation, South America, countries in the Middle East and Africa as well as regimes in Afghanistan, Angola, the Democratic Republic of Congo, Liberia, Rwanda, Sierra Leone, Sudan and Libya. The list of names and foreign policies attached to them is undoubtedly long.

The problem is that the political-criminal nexus is a fact. It is more than just a problem of public policy or a national security threat. It is an international security phenomenon that keeps up the warring status quo. Perhaps, the great philosopher Emmanuel Kant did not err to search for a unifying power that would impose the product of practical and pure reason upon man. But, but did he really believe that states would be capable of imposing it, or that it was ever going to happen? The balance between good men and bad men, as with states, is usually maintained not by the state, but rather by individuals with the free will to choose between good and evil.

Evil people are not only governed by states, often they can be found within the very walls of state institutions, running them. They, like powerful states, do not often delay in their resort to corruption, coercion and violence to get what they want. They commit crimes in their villages, towns, city councils, parliaments, administrations, and yes, within the international community. Their criminality jeopardizes states and the common good. Perhaps the knowledge that our hearts and minds are the most important parts of our personal security, national security, and, in turn, international security will highlight the necessity for our own actions to be civilized and conscious ones.

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Appendix A

Імміграційна картка: KA
Immigration Card: KA

- Прізвище
Surname: Rostyskyi
- Ім'я
Name: Lada H.
- Громадянство
Citizenship: Canadian
- Дата народження
Date of birth: [blank]
- Стать
Sex: [blank]
- Серія, № паспорта
Passport # [blank]
- Тип, № візи, термін дії
Visa type and №, validity period [blank]
- Діти (ім'я, рік народження)
Children (name, date of birth) [blank]
- Мета прибуття
Purpose of journey: work
- № транспортного засобу (рейсу)
Vehicle (flight) #: 101 PS
- Назва, адреса приймаческої сторони
Point of destination, company address: NATO-Kyiv

36/11 Melnikova vul.

Підпис пред'явника
Signature of bearer: [blank]

Прибуття/Arrival

Імміграційна картка: KA
Immigration Card: KA

- Прізвище
Surname: Rostyskyi
- Ім'я
Name: Lada H.
- Громадянство
Citizenship: Canadian
- Дата народження
Date of birth: [blank]
- Серія, № паспорта
Passport # [blank]
- Мета прибуття
Purpose of journey: work
- № транспортного засобу (рейсу)
Vehicle (flight) #: PS 101
- Назва, адреса приймаческої сторони
Point of destination, company address: NATO vul.

Melnikova 36/11 Kyiv

Підпис пред'явника
Signature of bearer: [blank]

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- UA-03
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- 255-03


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Appendix B

Pro-Russian NGOs

Russian Community of Crimea – (Russkaya Obshyna Kryma) 1993 –

Leader: Sergey Tsekov – deputy speaker Crimean parliament

Member of Presidium of the International Council of Russian Compatriots established in 2002 by Moscow's administration.

Member of the Coordination Council of Russian compatriots established in 2006 by Russian MFA

Collaborates closely with the Institute for the CIS states

Funded by Luzhkov, Zatulin, Russian MFA, Russian Presidential Administration

15,000 Members

Members are associated with: The Russian Bloc, Party of Regions, Communist Party and the Progressive Socialist Party

Established the National Council of Russian Compatriots, an umbrella organization for all Russian organizations in Ukraine, uniting 25 organizations including:

All-Ukrainian association of Russian culture "Rus"

All-Ukrainian national culture association "Russian Assembly"

The Russian Council of Ukraine

Russian Movement of Ukraine

The Party "Rus"

The Russian Community of Sevastopol

The People's Front "Sevastopol- Crimea-Russia"

Est. 2005

The National Front "Sevastopol-Crimea-Russia"

Est. 2006

Association of 16 organizations:

Congress of Russian Communities of Crimea

"Russian Front of Sergei Shuvaynykov" –

The Crimean Association of Russian Compatriots

A human rights organization "vira"(faith)

The Union of Orthodox Citizens of Crimea

Leader: "Russian Front of Sergei Shuvaynykov"

The Institute of the CIS States

Zatulín – Member of Russian Duma

Youth Movements

Proryv est. 2005(former leader Aleksey Dobychyn – persona non grata, Natalya Polyakova she is also head of the Russian Community of Yevpatoria subdivision of the Russian Community of Crimea and member of the WG of the All Ukrainian Council of Compatriots)

Eurasian Youth Movement est. 2004

Founded by Alexander Dugin – close ties to Kremlin and Russian Military Intelligence

Act actively with: "Bratsvo"

Progressive socialist party of Ukraine

Nashi

Paramilitary Group

Cossak

Appendix C

SCR Actions and Ukraine's Soft Power Security

In this section, a brief chronological overview is provided of certain SCR activities for the period 2005 – 2010. Each activity has been ordered according to the element of soft power security it affects, however, it is important to keep in mind the fact that the elements of soft power overlap and thereby one activity may affect one or all of the elements. Let it be noted, that officially, the SCR has not claimed the use of religion in its activity. For this reason, some aspects of how religion has been used to promote trust between the peoples of Crimea and the Russian Federation are considered in a separately below.

1. Level of national integration

Cultural – ethnic

November 18, 2005 – a rally organized by the People's Front "Sevastopol-Crimea-Russia" by the "Breeze" the television station of the Ukrainian military forces. The participants demanded the removal of Ukraine's "occupational fleet" from the hero-city of Sevastopol and to halt broadcasting of the "ultra-nationalistic" TV station.

January 21, 2006 – a rally in Sevastopol, dedicated to the 15th anniversary of the Republic of Crimea that was followed by the Front supporters expelling "Student Brotherhood" Bandera followers (Ukrainian patriot movement) from the Black Sea headquarters.

July 10, 2006 – a protest in front of the Russian General Consulate in Simferopol demanding it to initiate parliamentary hearings in the Russian Duma on violations of rights of the Russian compatriots in Crimea and to introduce economic sanctions against Ukraine.

August 24, 2006 – a rally on Nakhimov's square in Sevastopol on the 15th anniversary of Ukraine's independence was held with slogans "Occupants – Get out of Crimea!" Bandera followers from the Students Brotherhood together with the city administration and law enforcement forces seeing the number of participants had to give up "provocations" against the Front. The gathered participants spread out symbols of the People's Front "Sevastopol-Crimea-Russia", Russian flags and

posters “15 years of the Russian imprisonment”, “Occupants – Get out of Crimea” and so on.

April 19, 2007 – a rally held by the Ukrainian Sevastopol administration calling to expel the Head of the “occupational Ukrainian administration” in Sevastopol, Kunitsyn, from the city of the Russian glory. A plate “OCCUPATIONAL ADMINISTRATION” was hung on the Ukrainian administration building. The City Council was sent a resolution on confirming the Russian status of the hero-city. The activists tried to install the Russian flag on the administration building; however militia pulled the flag out and clashed with the protesters. Admiral Usoltsev was injured in the fight.

May 30, 2007 – a performance “Let’s Save Crimea from Ukraine” demanding to deport Ukrainian politicians into African countries took place by the office of Ukraine’s President in Crimea. A copy of the Treaty on Friendship, Cooperation and Partnership between the Russian Federation and Ukraine was publicly burned. The “Eurasians” asserted that as a result of the democratic developments in Kyiv, they “are not interested in the fate of poor doctor Frankenstein’s creature” supporting “the process of natural secession of incompatible, extraneous and not integrated parts.”

July 16, 2007 - during the celebration of the anniversary of Ukraine’s Declaration of Sovereignty, the activists demanded an immediate withdrawal of Ukrainian military forces from Crimea. The rally participants also urged to declare Sevastopol and Crimea “a territory without NATO”. A Nazi swastika was publicly hanged on a gate of Ukraine’s military headquarters.

October 23, 2007 – a press-conference “Russian Boycott Election of Ukrainian Oligarchs” of the SCR and the Eurasian Youth Union dedicated against “a joint project of the Presidential Secretariat and the Security Service of Ukraine, who set Ukraine’s foot in NATO’s door”. The loud outrage regarding the Tryzub on top of the Hoverla Mountain (the Tryzub is Ukraine’s national symbol which was banned during Russia’s empire and the Soviet regime. It was destroyed by members of the Eurasian Youth Group on the highest peak in Ukraine). The SCR and EYU asserted the action “was an attempt to say NO to a state that promotes collaborators of SS as its heroes”.

Cultural - Linguistic

May 24, 2006 – a cause on Lenin Square in Simferopol “To Abolish Useless Ukrainian Language!” triggered rage on the side of nationalists all over Ukraine. The leaders of UNA-UNSO, CUN and other Bandera organizations demanded the Ukrainian Security Services and the General Prosecution to dispel the People’s Front “Sevastopol-Crimea-Russia” otherwise they threaten to deal with the Front by physical means.

Territorial Integration

September 9, 2005 – supporters of the People’s Front “Sevastopol-Crimea-Russia” protested by the Ukrainian military headquarters in Sevastopol chanting “Occupants – Get Out of Crimea.”

September 14, 2005 – a rally of the People’s Front “Sevastopol-Crimea-Russia” announced an address to the ARC Supreme Council urging the parliamentarians to demand recognition of annexation of Crimea and Sevastopol from the Ukrainian leadership and to initiate a process of reunification with Russia.

September 27, 2005 – a rally in front of the Supreme Council of Crimea demanding the adoption of an address to the Ukrainian leadership to “stop annexation of Crimea and Sevastopol”. The Supreme Council ignored urges of the People’s Front.

October 4, 2005 – a rally-requiem in Simferopol dedicated to tragic events of October 3-4, 1993 in Moscow. The participants brought a package of documents which were adopted by the executed Supreme Council of Russia, and confirmed the Russian sovereignty over Crimea and Sevastopol to the Russian General Consulate.

November 6, 2005 – Coordination Council of the People’s Front embarks on an initiative to cancel Article 110 of the Ukrainian Criminal Code on encroachment on the territorial integrity of Ukraine, which it claims does not meet norms and principles of the international law and Helsinki Final Act as well as the General Declaration of Human Rights.

January 24, 2006 – simultaneous protests in 6 of the largest cities in Crimea (Simferopol, Sevastopol, Kerch, Yevpatoriya, Yalta and Feodosiya) urging members of the local councils to request the Russian President and Duma to denounce the

Treaty on Friendship, Cooperation and Partnership between Ukraine and the RF and to claim rights on Crimea and Sevastopol.

January 30, 2006 – an open address to Moscow's Mayor Yuri Luzhkov requesting to start the second front in Russia to fight for the Russian Crimea and Sevastopol and to combine efforts with People's Front "Sevastopol-Crimea-Russia".

February 20, 2006 – large rallies by the office of the President of Ukraine and the Russian General Consulate commemorating the "tragic event of the concession of Crimea from the RSFSR to the Ukrainian SSR in 1954". The relevant petitions were conveyed to the Presidents of Ukraine and the RF.

March 21, 2006 – The People's Front "Sevastopol-Crimea-Russia" announced the launching of the program "Ukraine without Crimea". The organizers expect Crimeans to file numerous administrative lawsuits demanding from the Parliament of Ukraine to exempt Part 10 "Autonomous Republic of Crimea" and all provisions that refer to ARC and Sevastopol as these territories are not subject to Ukraine's jurisdiction.

March 31, 2006 – a presentation by People's Front "Sevastopol-Crimea-Russia" before media in Sevastopol by the Eternal Fire memorial urging people of Crimea to join the "Ukraine without Crimea" cause.

November 3, 2006 – a rally by the Russian General Consulate in Simferopol demanding to declare the Treaty on Friendship, Cooperation and Partnership between the Russian Federation and Ukraine, signed in Kiev on May 31, 1997 as invalid and to present territorial claims to Ukraine for Crimea and Sevastopol.

May 7, 2007 – a rally held by the Crimean Supreme Council dedicated to the 15th anniversary of the Constitution of the Republic of Crimea 1992, which declared Crimea as a sovereign state. The members of the Crimean parliament were urged to resume provisions of the Constitution.

Collective Memory

February 8, 2006 – a rally held together with the youth organization "Proryv" by the office of the President of Ukraine in Crimea dedicated to the Day of anti-Nazi heroes, against political repressions and Banderas' occupation of Crimea and Sevastopol.

January 20, 2007 – a rally in Sevastopol dedicated to the 16th anniversary of referendum on resuming Crimean ASSR as a part of the Union.

March 14 & 15, 2010 – pro-Russian parties organized a Ukrainian book burning event at the feet of a statue dedicated to Catherine the Great. The teaching of Ukrainian history, language and culture were deemed as provocative acts to cause hate between Russians and Ukrainians. Thus, Ukrainian books and textbooks were destroyed. Importantly, special attention was given to the Kremlin created famine, “The Holodomor” which was strictly forbidden to talk about in the Soviet era. The books included information on the atrocities of collectivization from which millions of Ukrainians were killed.¹

Strength of National Leadership

October 13, 2005 – a rally by the office of the President of Ukraine in ARC on the occasion of not granting the Nobel Peace Prize to Viktor Yushchenko. The participants demanded the launching of a process to return Crimea and Sevastopol to Russia.

November 19, 2005 – “Krymska Pravda” newspaper presents an appeal signed by leaders of several Crimean and Sevastopol’s NGOs to Russian President Putin urging to demand from the Ukrainian leadership to recognize a fact of annexation of Crimea and Sevastopol.

May 5, 2006 – a rally by the office of the Ukrainian President in Crimea, “The Constitution of the AR Crimea adopted by the collaborators of the occupants in 1998.” Addressing the President of Ukraine the Front demanded to reinforce the Constitution of Crimea of May 6, 1992, which was illegally denounced by the Ukrainian authorities in 1995.

December 1, 2006 – a rally held by the office of the President of Ukraine in Crimea stating that results of the referendum held on December 1, 1991 on Ukraine’s independence are not compulsory for Crimea and Sevastopol due to the then acting legislation. The Law of USSR “On the order of solving issues related to exiting of a member republic from the USSR” of April 3, 1990 preserved the right for the autonomous entities to adopt own decisions on their legal and national status.

January 31, 2007 – a protest by the Supreme Council of Crimea against the Crimean Constitution of 1998 because it contradicts the results of the January 20 1991 referendum, and urging the removal of the “occupational” blue-yellow symbols on the parliament’s building.

February 5, 2007 – a press-conference held in Simferopol is held to state that the Ukrainian authorities are using a clone of the People’s Front “Sevastopol-Crimea-Russia” the so-called “National” Front “Sevastopol-Crimea-Russia”. Claiming that by such means Ukraine pursues a goal to incite a permanent controlled intra-ethnic conflict.

March 6, 2007 – a rally: “Crimea knows and praises its heroes. Get your hands out of Moscow Mayor Yuri Luzhkov!”

August 24, 2007 - an event “Putin – Give us a Gas Attack! Blackout to the Bandera State” was dedicated to celebration of Ukraine’s Independence Day in the town of the Russian glory Sevastopol. On that day the main square “dazzled” with Russian flags.

November 2, 2007 - on the eve of the National Unity Day the Eurasian Youth Union and the People’s Front “Sevastopol-Crimea-Russia” held simultaneous rallies in front of the Crimean office of the President of Ukraine in Simferopol and the Ukrainian Embassy in the Russian Federation. The participants demanded the Ukrainian authorities to withdraw their armed forces from Crimea and Sevastopol.

Government Policy Capability

September 20, 2005 – a rally by the Russian General Consulate requesting the Russian leadership to pay attention to discrimination of Russians in Crimea. Representatives of the People’s Front Svyatoslav Kompaniyets, Anatoliy Los and Valeriy Podyachiy met the Council representatives and presented the Declaration on Establishing the People’s Front “Sevastopol-Crimea-Russia.

November 24, 2005 – A letter delivered to the regional office of the Ukrainian President on the occasion of the anniversary of the so-called “Orange Revolution”: “A.Matvienko, appointed by you, escaped from Crimea followed by applause and curses from a crowd, because he, as nobody else, managed to mobilize Crimeans for a struggle with ethnocide of Russians on their own soil. Because of such colleagues of yours there is an unreachable precipice between the South-East and

the actually rural Ukraine. Based on the abovementioned, the People's Front "Sevastopol-Crimea-Russia" looks forward to have fruitful cooperation with You, Viktor Andreyevich, in a cause of reunifying the indigenously Russian land with its historical motherland.

May 29, 2006 – a press-conference marking the start of events in Feodosiya, where the Constitution of the Republic of Crimea of May 6, 1992 was claimed to be the only alternative for Crimea in its fear to find itself in NATO together with Ukraine. The leader of the Russian Community of Crimea Nelya Protasova took part in the press-conference. She was also an organizer of an anti-NATO protest by the Feodosiya port. The Russian Community of Feodosiya joined the People's Front "Sevastopol-Crimea-Russia". Information about "the US intention to deploy a military base in Crimea" was shared as well as it was assured that the Crimeans will not let it happen by any means.

December 21, 2006 – a rally in front of the Russian General Consulate demanding the Russian President to abstain from discussing delimitation of maritime borders with Ukraine and to raise an issue of territorial jurisdiction of Crimea and Sevastopol.

April 3, 2007 – a press-conference in Simferopol Informpress Center was held to present a response to threats of the Executive Head of the Ukrainian Security Service Valentyn Nalyvaichenko about closing down pro-Russian organizations. The press-center building was surrounded with supporters.

November 13, 2007 - Member of Parliament Leonid Grach requested the General Prosecution to provide a legal assessment of the actions of Sevastopol law enforcement services that detained leaders of several NGOs from the People's Front "Sevastopol-Crimea-Russia" for 3 hours during celebration of the National Unity Day.

January 17, 2008 – a rally held in Simferopol in front of the Russian General Consulate demanding the Russian leadership to take measures to prevent removal of the Black Sea Fleet from Crimea. Russian Vice Councilor V.Pashedko was personally presented an address to V. Putin and the Russian Duma by rally participants.

Level of Social Discipline

February 28, 2006 – a press-conference of the People's Front "Sevastopol-Crimea-Russia" urging the Crimeans to vote "against all" at elections to the Supreme Council of the Autonomous Republic of Crimea.

March 9, 2006 – a press-conference of the People's Front "Sevastopol-Crimea-Russia" calling Crimeans' attention to the "fact that free and fair elections can't take place on the occupied territories".

June 28, 2006 – a rally by the Supreme Council of Crimea bullied parliamentarians-collaborationists. The Constitution of Ukraine is placed in a coffin on the eve of its anniversary. The coffin is dispatched to the President of Ukraine with a sign on the top of the coffin "To the People's President V. Yushchenko from the People's Front "Sevastopol-Crime-Russia."

Perceived relevance of national strategy to common interests

Common interests

September 1, 2005 – protest of People's Front "Sevastopol-Crimea-Russia" against the "ethnocide of Russians on their own soil" by the school #43 in the town of Komsomolsk with slogans "Russians have been declared a war. The challenge is accepted."

January 3, 2006 – leaders of 9 Crimean NGOs signed an agreement to implement political project People's Front "Sevastopol-Crimea-Russia

October 7, 2006 – a rally in Yevpatoriya in support of the referendum results in Transnistrian Moldovan Republic.

February 19, 2007 - a rally held by the office of the President of Ukraine in Crimea dedicated to the "tragic anniversary of illegitimate concession of Crimea from Russia to the Ukrainian SSR in 1954". The participants demanded the Ukrainian authorities provide historical, legal and moral assessments of the "arbitrary decisions of the totalitarian regime on this illegal concession". A relevant appeal to the President of Ukraine was adopted. The Ukrainian President's office was declared an occupational administration and the relevant plaque was installed on the building. The cause "Let's help Ukraine to amend its Constitution" was launched. A text of part 10 "On the Law Autonomous Republic of Crimea" and all other articles that mentioned Crimea and

hero-city Sevastopol as territories that are subject to the Ukrainian sovereignty were burned. It was claimed that "in such a way, the Constitution of Ukraine got adjusted to the European standards of democracy".

January 16, 2008 - a press-conference "Attempts to outcast the Black Sea Fleet from Crimea as a pro-Russian consolidation factor on the peninsula" held in Simferopol Informpress Center. Repressions against the pro-Russian activists are claimed to occur in pursuit of the goal to clear a way for removing the Black Sea Fleet from Crimea and obstruct an organized resistance against Ukraine's accession into NATO.

Ideology

December 26, 2005 – a petition to congratulate President Viktor Yushchenko on the anniversary of the elections victory, which marked a new stage for the Russian liberation movement in Crimea

March 15, 2007 – a rally took place by a gate of the Ukrainian military headquarters in the city of Russian glory Sevastopol dedicated to the 11th anniversary since the Russian Duma denounced the "Belovezhskiy Mutiny". The rally participants also recognized the Belovezhskiy agreement as illegitimate from the day it was signed. The rally participants held posters, flags of the Soviet Union, USSR military forces and the Russian Federation. They chanted "Sevastopol-Crimea-Russia", "Occupants – get out of Crimea." An ultimatum to the Ukrainian army commander demanding immediate capitulation was to have been presented personally by Admiral of the USSR Military Forces A.Usoltsev. However, the Ukrainians "were afraid to admit the admiral into their territory, which was illegally occupied by the Ukrainian armed forces." The participants installed a white flag on the Ukrainian headquarters by themselves.

July 2, 2007 - a demand to rename the Lycee of 10th Anniversary of Ukraine's independence into the Lycee named after Bogdan Khmelnytsky was conveyed to the Council of Ministers of Crimea, because any mentioning of events or dates related to demise of the USSR is "unacceptable and outrageous".

Lada L. Roslycky was born in Canada and studied philosophy at the University of Western Ontario. Her desire for knowledge of the international justice system brought her to The Kingdom of Netherlands where she studied law and gained her Master's Degree in International and European Law from the University of Amsterdam. Her Master's thesis on sustainable development and weather modification technology drew international attention and was published in The Hague Yearbook of International Law.

Before moving into the private sector, she worked for NATO's Public Diplomacy Division at the Information and Documentation Centre in Kyiv, Ukraine. In 2006 she received a full bursary from The University of Groningen and returned to The Netherlands to pursue her PhD. As an independent consultant she supports democratic development by working with NGOs and government structures.

As a visiting fellow at The Harvard Black Sea Security Program she became an editor for the program's annual journal. Her work has been presented at numerous international conferences. Lada's publications on security in the Black Sea Region, transnational organized crime and separatism have been published in journals, edited books and newspapers.

Lada continues to believe in and pursue the attainment of international justice and peace.



The Soft Side of Dark Power: A Study in Soft Power, National Security and the Political-Criminal Nexus with a special focus on the Russian Black Sea Fleet and Separatism in The Autonomous Republic of Crimea

Psychological warfare uses soft power – the power of attraction – as a weapon. It lures citizens into believing or doing things they would otherwise not believe or do. It does so by changing the way people view themselves, each other and the world around them. Great states use it to gain territorial power by manipulating human perceptions; even to the extent of strategically promoting ethnic conflict and war. Yet, to date, the legitimacy of such policies and the linkages between soft power and national security have remained relatively unknown.



Lada L. Roslycky creates the first framework for the empirical analysis of soft power warfare. Soft power wars are fought inside human hearts and minds and are intricately interlinked with the most pivotal and intangible components of national security. Markedly, Roslycky shows that informal foreign policies aimed at the acquisition of power are not restricted to the realm of legitimacy. She presents the political-criminal nexus as a social structure through which states transform transnational organized crime into a foreign policy instrument.

In a clear step-by-step analysis, the reader is shown how Russia's strategy of deterring Ukraine's Euro-Atlantic integration was effectuated by hostile soft power tactics aimed at promoting pro-Russian separatism in The Autonomous Republic of Crimea. The strategy was supported by a Russia-centred, post-Soviet political-criminal nexus made up of intelligence services, government executives and non-governmental organizations.

This innovative research provides new and unique insight into Russian-Ukrainian relations. It shows that knowing the character of a state's political-criminal nexus facilitates the understanding of its identity and behaviour. The Soft Side of Dark Power advances the studies of international relations, security studies and criminology. It is valuable reading for all those interested in the study of power, national security and transnational political-criminal relations.

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